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PROJECTS OF CONVENTIONS PREPARED AT THE REQUEST ON
JANUARY 2, 1924, OF THE GOVERNING BOARD OF THE PAN
AMERICAN UNION FOR THE CONSIDERATION OF THE
INTERNATIONAL COMMISSION OF JURISTS, AND
SUBMITTED BY THE AMERICAN INSTITUTE OF
INTERNATIONAL LAW TO THE GOVERNING
BOARD OF THE PAN AMERICAN UNION
MARCH 2, 1925

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Supplement for July, 1926, in order that these texts
may be bound by themselves

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COLLABORATION OF THE AMERICAN INSTITUTE OF INTERNATIONAL LAW WITH THE PAN AMERICAN UNION

REMARKS OF THE HON. CHARLES E. HUGHES, SECRETARY OF STATE OF THE
UNITED STATES, AS CHAIRMAN OF THE GOVERNING BOARD OF THE PAN
AMERICAN UNION, AT A SPECIAL MEETING OF THE GOVERNING BOARD
HELD ON MONDAY, MARCH 2, 1925

It is a high privilege to present the subject of this special meeting to the Governing Board of the Pan American Union. It is a subject of transcendent importance as it relates to the establishment among the nations of the reign of law and to the endeavor of the American Republics to hasten the fulfillment of this purpose by a more definite formulation of the rules of international law. It was fitting that the American Republics, free as they happily are from many of the historic antagonisms and rival ambitions which have vexed the peace of other parts of the world, should take the lead in this effort, and through the painstaking studies of American jurists gratifying progress has been made.

At the meeting of the Governing Board of the Pan American Union on January 2, 1924, it was my privilege to present to you, and the board adopted, a resolution referring to the action of the Fifth International Conference of American States and to the proposed international congress of jurists to be held at Rio de Janeiro, and inviting the coöperation of the American Institute of International Law in the essential task of the codification of international law. The Executive Committee of the American Institute cordially accepted this invitation and has now presented the result of its labors in a series of projects, or draft conventions.

There are 30 of these projects covering a wide range of subjects dealing with the American international law of peace. They represent the labors of distinguished jurists of this hemisphere. I shall not attempt to state their titles, and it is sufficient to say that they embrace a declaration of the rights and duties of nations, statements of the fundamental bases of international law and of the fundamental rights of the American Republics, and the formulation of rules with respect to jurisdiction, international rights and duties, and the pacific settlement of international disputes. It is natural, as is pointed out by the Executive Committee of the American Institute of International Law, that the law to be applied by the American Republics should, in addition to the law universal, contain not a few rules of American origin and adapted to American exigencies, and that the old and the new, taken together, should constitute what may be called American international law, without derogation from the authority of the law which is applicable to all nations.

In the letter presenting these projects for the consideration of the representatives of the American Republics the Executive Committee of the American Institute directs attention to American initiative in this work of codification. It is recalled that the first codification of the rules and practice of nations was the *Instructions for the Government of Armies of the United States in the Field* prepared by Dr. Francis Lieber, which was issued in 1863 by Abraham Lincoln. This code was found to be accurate and comprehensive. It furnished the basis and the inspiration of the important labors of Bluntschli. The Second International Conference of the American Republics held in 1901-2 in Mexico City provided for the appointment of a committee to draft codes of public international law and private international law to govern the relations of the American Republics. While the convention then proposed was not ratified, the interest in the subject continued, and the question of the codification of international law was again taken up at the Third Pan American Conference held at Rio de Janeiro in 1906. The resulting convention was ratified, but the work was unavoidably delayed and the international commission did not meet until 1912. This happened to be on the eve of the World War, which interrupted the consideration of the subject. After the war the initiative was again taken by an American jurist, when Mr. Elihu Root, one of the advisory committee of ten jurists meeting at The Hague in 1920 to formulate a plan for the establishment of a permanent court of international justice, proposed to that committee the recommendation of a series of conferences to restate the established rules of international law and to formulate desirable amendments and additions. This recommendation appropriately recognized the vast importance of the development of a body of law which would govern, and be applied by, international judicial institutions. It is regrettable that there should have been such long delay in carrying forward this plan which had the full support of the advisory committee. Appreciating the importance of expert preliminary work, the proposal for international conferences to restate, improve, and develop the rules of international law carried with it the recommendation that there should be suitable preparatory efforts on the part of jurists which alone could save from failure in such an enterprise the conferences of governments.

The Fifth Pan American Conference, which was delayed because of the war, was held in Santiago, Chile, in 1923, and the plan to take appropriate measures for the codification of American international law was again brought forward. Provision was made for the appointment of an American international commission of jurists, which accordingly has been constituted, and will soon meet at Rio de Janeiro. It is, as I have said, preliminary to the undertaking of this congress of jurists that the Governing Board of the Pan American Union has asked the aid of the American Institute of International Law which has so promptly and efficiently been rendered.

These projects, or draft conventions, are not submitted to the Governing

Board either for approval or for criticism at this time. In expressing our gratification, we are not dealing with texts or passing upon particular proposals. These projects, or draft conventions, are submitted to the Governing Board with the recommendation, which I take pleasure in making, that they be transmitted by the members of the Governing Board to their respective governments for their consideration with an appropriate expression of our gratitude for the high-minded and expert endeavors which have so happily attained this point of achievement.

What is far more important, at this moment, than any particular text or project, is the fact that at last we have texts and projects, the result of elaborate study, for consideration. We have the inspiration and stimulus of this action full of promise for the world. We feel that, thanks to American initiative, we are on the threshold of accomplishment in the most important endeavor of the human race to lift itself out of the savagery of strife into the domain of law breathing the spirit of amity and justice.

It is significant that the Executive Committee of the American Institute of International Law has stated that their projects relate to the international law of peace. Their members were a unit in believing that the law of war should find no place in the relations of the American Republics. We have dedicated ourselves to the cause of peace. Fortunately, we have no grievances which could furnish any just ground for war. If we respect each other's rights as we intend to do, if we coöperate in friendly efforts to promote our common prosperity, as it will be our privilege to do, there will be no such grievances in the future. There are no differences now, and there should be none, which do not lend themselves readily to the amicable adjustments of nations bent on maintaining friendship.

I believe that this day, with the submission of concrete proposals which take the question of the development of international law out of mere amiable aspiration, marks a definite step in the progress of civilization and the promotion of peace, and for that reason will long be remembered. For in this effort we are not unmindful of the larger aspects of the question, and it is our hope that the American Republics by taking advantage of this opportunity may make a lasting contribution to the development of universal international law.

RESOLUTIONS ADOPTED BY THE GOVERNING BOARD OF THE PAN AMERICAN
UNION, MARCH 2, 1925

PAN AMERICAN UNION,
Washington, D. C., U. S. A., March 6, 1925.

The undersigned, Secretary of the Governing Board of the Pan American Union, certifies that at the special meeting of the Governing Board, held on March 2, 1925, at 3 o'clock in the afternoon, in the Governing Board Room, the following resolutions were approved:

I

Whereas the Governing Board of the Pan American Union, by resolution of January 2, 1924, suggested to the Executive Committee of the American Institute of International Law the desirability of holding a session of the Institute in 1924 in order that the results of the deliberations of the Institute may be submitted to the Commission of Jurists at its meeting at Rio de Janeiro in 1925; and

Whereas the American Institute of International Law has submitted to the Governing Board of the Pan American Union the results of its labors: Be it

Resolved, To send to the respective governments, members of the Pan American Union, through their representatives on the Governing Board, the projects of conventions on the codification of international law submitted to the Board, in order that they may be submitted to the Commission of Jurists to be held at Rio de Janeiro in 1925; and be it

Further resolved, That the Chairman of the Governing Board express to the American Institute of International Law the appreciation of the Board for its valuable contribution to the codification of international law.

II

Whereas the Fifth International Conference of American States, held at Santiago, Chile, adopted on April 26, 1923, a resolution to convene the Commission of Jurists at Rio de Janeiro during the year 1925, the precise date to be determined by the Pan American Union after consultation with the Government of Brazil: Be it

Resolved, That the Director General of the Pan American Union be authorized to communicate with the Government of the United States of Brazil, through its representative on the Governing Board, in order to fix the precise date of the meeting of the Commission of Jurists.

III

Whereas the American Institute of International Law has performed a most important service in preparing a series of projects covering public international law of peace: Be it

Resolved by the Governing Board of the Pan American Union, That the Executive Committee of the American Institute of International Law be requested to prepare a project or series of projects embodying the principles and rules of private international law for the consideration of the Commission of Jurists.

E. GIL BORGES,
Secretary of the Governing Board.

LETTER FROM THE PRESIDENT OF THE AMERICAN INSTITUTE OF INTERNATIONAL LAW TRANSMITTING PROJECTS OF CONVENTIONS

March 2, 1925

HON. CHARLES EVANS HUGHES,
*Chairman of the Governing Board of the
Pan American Union, Washington, D. C.*

SIR: I have the honor to transmit a report of progress from the Executive Committee of the American Institute of International Law in partial compliance with the invitation of the Governing Board of the Pan American Union of January 2, 1924, that the American Institute should hold a session within the current year in order that its deliberations on the codification of international law should be submitted to the International Commission of Jurists to meet at Rio de Janeiro in the ensuing year.

In the preamble to its invitation the Governing Board stated that the most important task to be undertaken by the American Institute was the codification of international law, and that therefore its labors would be of great service to the commission in fulfillment of its task.

The invitation of the Governing Board was transmitted by its chairman to the president of the American Institute in a communication of January 2, 1924, and as the result of consultation with the members of the Executive Committee the president was able to accept by letter of January 9, 1924, the invitation on behalf of its members.

A special meeting of the members of the Institute for the purpose of considering the question of codification was held in Lima, in the Republic of Peru, December 20-31, within the course of the year, as requested by the Governing Board.

The members present at the session examined with great care the questions presented for their consideration, as appears from the informal conversations of their meetings. They directed the Executive Committee to examine, from the standpoint of form, the projects which they had approved, and thereupon to transmit them to the chairman of the Governing Board, with the request that he lay them before the members of the Pan American Union. The present communication is in pursuance of this direction.

* * * * *

The Executive Committee found itself confronted with no less a task than the codification of international law, as the commission to meet in Rio de Janeiro is directed to consider both the law of nations and the conflict of laws. It was evident that both subjects could not be considered in a single session. Under the most favorable circumstances only one could be taken up, although it would be proper, if not necessary, under the invitation, to discuss the means whereby the other subject might be considered by the Institute. And it was also evident that either subject could not be discussed in its entirety at a session of the Institute unless it were continued through a longer period of time than its members could spare. The Execu-

tive Committee therefore decided that the first session of the Institute to give effect to the invitation of the Governing Board should be devoted to the law of nations, or, as it is frequently called, public international law. And even then it was felt, and properly, that that vast subject could not be treated in detail were it desirable to do so. The members were of the opinion that the law of war should find no place in the relations of the American Republics with one another, as war would be—if Pan Americanism is more than a word—little less than civil war, limited to the republic in which it should unfortunately occur, and only affecting the other American Republics in some of its aspects. The members of the Executive Committee and of the Institute present at Lima were therefore a unit in believing that only the law of peace should be considered, as peace should be, and in fact is, the normal state of affairs.

It was further decided that only that portion of the law of peace should be dealt with which seemed to have direct and immediate application to the American Republics. This attitude of the Executive Committee was confirmed by the members of the Institute present at Lima, and the report of progress which I have the honor to transmit is an attempt to state in conventional form the principles of justice expressed in rules of law which should govern the relations of the American Republics in their mutual and pacific intercourse.

The members of the Executive Committee have all had international experience, having represented on more than one occasion their countries in international conference. Their experience also with scientific gatherings had led them inevitably to the conclusion that without a vast amount of preparatory labor on their part, resulting in a definite program with a series of projects, the special session of the Institute would be unfruitful of results in the sense that its members would thus, with nothing but the invitation of the Governing Board before them, be obliged to map out a plan and to consider the method of its realization. Such a session would only be preliminary to a later one. Therefore, the members of the Executive Committee felt that they might properly, indeed that they should, relieve the members of the Institute of this preliminary labor, and lay before the session a program and a series of projects in the hope that the Institute might be able at one and the same time to adopt the program and to give its approbation to the projects, with such improvements as generally result from an exchange of views based upon concrete propositions. In this expectation the Executive Committee was not mistaken, for the members of the Institute present at Lima approved the projects presented to them with a single exception, improving them in many respects.

* * * * *

Before passing to the form and content of the projects, it is advisable to call attention to the steps taken toward codification by the American Republics—for codification is in a very real sense an American ideal.

The first codification of the rules and practice of nations in their mutual relations undertaken and performed at the request of a government is supposed to be the *Instructions for the Government of Armies of the United States in the Field*, prepared by Dr. Francis Lieber, a Prussian by birth, and at the time a professor at Columbia College in New York. The work was revised by a board of officers of the Army, and it was issued in 1863 by no less a person than Abraham Lincoln, then President of the United States of America. This code of the laws and usages of war, although prepared for the guidance of the armies of the United States in the Civil War which then unfortunately existed, was found to be so accurate and comprehensive and so adequate to war between nations that only one case is said to have arisen out of the Franco-Prussian War of 1870-1871, which was not covered by its provisions. Doctor Lieber was in very fact the author of the instructions as they were approved, with only a modification here and there by the board of officers to which they were wisely submitted.

Johann Kaspar Bluntschli, a Swiss by birth, had settled in Germany, and he can almost be said to have "reigned" as professor of international law in the University of Heidelberg, the first of the institutions of learning in which the law of nations was taught and in which it has always been held in honor. A friend of Doctor Lieber's, and a frequent correspondent, he was so impressed with the *Instructions* that he translated them into German. Indeed, they had so completely demonstrated the possibility of codifying the law of nations that Bluntschli set himself to the task of codifying international law in its entirety—a result which he accomplished in a classic work published in 1868, under the title of *The Modern International Law of the Civilized States in the Form of a Code*. Practice and theory had joined hands, and the partisans of codification may say with pardonable exaggeration that these two great men stand on the opposite shores of the Atlantic as the Pillars of Hercules.

The codification of international law could now be undertaken on a larger scale, because models of its successful accomplishment were at hand; it was to be only a question of time until governments, passing beyond the limited codification of Lieber, should undertake for themselves the larger task of Bluntschli.

The initiative was again to be American. The Second International Conference of the American Republics met in the city of Mexico from October 22, 1901, to January 22, 1902. The first of these conferences had met in the city of Washington in the fall of 1889 and had adjourned early in 1890. The international conference, as such, was due to the wisdom and foresight of James G. Blaine, Secretary of State of the United States, who, during an unfortunate war between the American Republics, had suggested a conference of their delegates in the city of Washington to devise means whereby peace—the peace of the Americas—should be kept through arbitration of their differences instead of resorting to force.

The members of the second conference felt that arbitration and peaceful settlement would require an agreement upon the principles of law to be observed and applied, and they therefore took up seriously the codification of the law of nations. They agreed to a convention by the terms of which the Secretary of State of the United States and the ministers of the American Republics accredited to Washington should appoint a committee of five American and two European jurists to draft, in the interval between the second and third conferences of the Americas, a code of public international law and a code of private international law to govern the relations of the American Republics.

As so often happens where a new subject is presented which has not been considered in advance, the convention was not ratified. There was, however, a strong feeling that the subject should be reexamined. Therefore, at the Third Pan American Conference, meeting at Rio de Janeiro in the summer of 1906, the question of the codification of international law was again taken up, and a convention was again adopted which had the good fortune to be ratified by some of the contracting parties, including the United States of America. As in the previous case, both private and public international law were to be included. A commission composed of a member from each of the ratifying republics, which were to be at least 12 in number, was to meet in Rio de Janeiro. The results of its labors were to be presented to the Fourth Pan American Conference for consideration. It frequently happens that treaties contracted in good faith are not ratified instanter, and that commissions to be appointed under them do not meet at the time specified. In this case the commission was to meet in 1907, but the date of meeting was postponed by the Governing Board of the Pan American Union, so that its first and only meeting was held in Rio de Janeiro in 1912. As was to be foreseen, its time was taken up with the preliminary questions of form and content. Its work was divided among a number of committees with a request that the governments should aid these bodies in their labors. But the world was on the eve of war. The World War, beginning in 1914 and pursuing its deadly course until 1918, rendered it impossible for the committees to continue their labors.

The call to renewed effort was again American. The Treaty of Versailles, signed on June 28, 1919, going into effect on January 10, 1920, ended the war between Germany and the Allied and Associated Powers. In Article XIV of the Covenant of the League of Nations, with which the treaty begins, the Council of the League is directed to formulate a plan for a permanent court of international justice and to report to the members of the League. The Council preferred to have the plan prepared by a body of jurists, and upon its request ten jurists, representing ten different nations—five large and five small—met at The Hague in the summer of 1920 and drafted a plan which, with sundry modifications, was accepted by the Council and the Assembly of the League in the course of the year. The court itself was formally installed in the Peace Palace of The Hague in 1922.

Mr. Elihu Root, one of the ten, felt the incompleteness of any plan which did not contemplate an agreement upon the law of nations and which should not provide for conferences of the nations in order to agree upon such further rules of conduct as international conditions should from time to time suggest and permit. He, therefore, proposed to the Advisory Committee of Jurists, as that body was technically called, a series of peace conferences in succession to the first two at The Hague to restate the established rules of international law, to formulate and agree upon amendments and additions, to reconcile divergent views, and to consider the subjects not now adequately regulated by international law. It is a general opinion supported by practical experience that international conferences meeting without adequate preparation in advance are bound to be a disappointment. The advocates of The Hague conferences had learned this from actual experience and had recommended for future gatherings a preparatory committee of the Powers, to meet some two years in advance, for the purpose of drawing up a program and a system of procedure. The members of the Advisory Committee were of one mind as to the desirability of conferences meeting at the earliest practicable moment.

Mr. Root felt also that the only way to convert questions hitherto considered political into judicial questions was to have the nations agree to submit them to a court, and that that could be best done or was only likely to be done when an agreement had been reached in advance upon the law to be applied for their determination. This is the language of the Supreme Court of the United States, and as a sound lawyer Mr. Root had based his project upon its judgments. His proposal for further conferences as unanimously approved by the Committee of Jurists did not commend itself to the League of Nations, as it did not find it convenient at the time to consider this phase of the subject. However, the little seed had been sown which later was to appear upon the surface at Santiago and bring forth, as we of the American Institute hope, a rich harvest at Rio de Janeiro.

The Fifth International Conference of the American Republics was delayed because of the war, but it opened its doors at Santiago, Chile, on March 25, and adjourned May 3, 1923. Mr. Alejandro Alvarez, for many years past a convinced advocate of the codification of international law and secretary to the committee which proposed its codification for the Americas to the Second Pan American Conference (1901-1902), presented to the conference at Santiago a report containing projects of codification. The conference adopted the report and the projects as the basis of codification to be undertaken by a commission of the American Republics, to meet in Rio de Janeiro in 1925, and in which each republic is to be represented by two jurists of its own choice. In pursuance of this resolution, the Governing Board of the Pan American Union addressed itself to the American Institute.

It is permissible to observe in this connection that the American Institute of International Law was one of the five bodies mentioned by Mr. Root in his

proposal for international conferences "to prepare with such conference or collaboration *inter sese*, as they may deem useful, projects for the work of the conference to be submitted beforehand to the several governments and laid before the conference for its consideration and such action as it may find suitable." And it is proper to add that the labors of the two Hague conferences were rendered possible by the inconspicuous but valuable work of the Institute of International Law suggested by Doctor Lieber as calculated to develop scientifically and practically the law of nations. In a lesser degree it may be said that Doctor Lieber is responsible for the American Institute of International Law, although it was founded in 1912 by two American publicists—one of the South and one of the North. And it will not be thought beyond the scope of this letter of transmittal to recall that the American Institute was created not only to bring the American publicists together and to enable them to coöperate in the broad domain of international relations, but also for the very purpose of aiding in the codification of the law of nations. This appears from an extract of a letter addressed to Mr. Root under date of June 3, 1911:

After reflection and much discussion we came to the conclusion that the best way to draw the leaders of thought together would be to create an institute of international law in which each country would have equal representation, say, five members; that the members of each country should organize at their capital a local society of international law; that the American Institute should hold at Washington the first of its periodic meetings to discuss scientific questions of international law, especially those relating to peace, so that little by little a code of international law might be drafted which should represent the enlightened thought of American publicists and be the result of their sympathetic collaboration.

Then turning to the purpose of the proposed institute, the letter continued:

Our opinion is that a code of international law undertaken by delegates of the American Governments would necessarily conform to the express instructions or to the practice of their governments, and that the code thus drafted would be political rather than scientific; that a better code could be produced by the painstaking study of unofficial publicists, and that such a code produced under such circumstances would not merely be better in itself, but would stand a better chance of adoption in whole or in part by the governments, either expressly at some Pan American conference or silently and piecemeal in the practice of the various foreign offices. In any event, it has seemed to us that the nonofficial coöperation of an equal number of publicists selected from the republics composing the Pan American Union would be of the greatest service in the codification of international law by official delegates meeting in conference.

The date was not foreseen when this might happen. On the 2d of January, 1924, the invitation of the Governing Board of the Pan American

Union enabled the American Institute of International Law to realize its self-imposed mission.

* * * * *

Admitting that the special meeting of the Institute should have projects laid before it for the consideration of the members present, the question presented itself as to the form which these projects should assume. It was apparent to the Executive Committee of the Institute that it would be too ambitious to have its labors take the form of a code, as that was to be the work of the International Commission of Jurists at Rio de Janeiro; but it was undoubtedly the prerogative of the members of the Institute present at the special session of Lima to determine for themselves what questions they should recommend to the commission for codification, and the form, in which they should be submitted. The Executive Committee was unwilling to seem to deprive the members of the Institute of their right to determine for themselves these important questions by selecting certain topics of the law of peace and excluding others. With considerable misgivings and much hesitation the committee decided to submit a series of projects covering those phases of the law of peace of present interest to the American Republics and consonant with their enlightened practice. Following the example of The Hague conferences, the members of the committee chose to give to the projects the form of convention, stating in the preamble the reasons for the convention, and in the convention itself the principles of justice expressed in rules of law. There were practical as well as theoretical advantages in favor of this method; The Hague conventions were the model, and the conventions themselves could be arranged in any order which might please the members of the Institute. In addition, if the Commission of Jurists should decide in favor of conventions instead of preparing a code with articles under appropriate titles and consecutive numbers, and if the Sixth International Conference of the American Republics, to which the labors of the commission are to be submitted at its session in Habana, should likewise adhere to the form of conventions, then it would be possible to amend an imperfect convention without disturbing the economy of the whole.

The members of the Institute meeting in Lima approved the form of convention. With a single exception they approved the projects of convention, although making here and there an omission, a modification, or an addition which enhanced their value.

The Executive Committee has arranged the projects in a systematic manner, and has reconsidered matters of form as directed by the members of the Institute present at Lima, and in pursuance of their express direction the amended projects are presented to the chairman of the Governing Board for transmission to the Pan American Union.

* * * * *

While the projects speak for themselves, it is deemed pertinent and permissible to make some observations of a general nature. It will appear

that the projects are prefaced by a declaration of the rights and duties of nations, and that they are followed by a declaration renouncing in the future, on behalf of the American Republics, title to property obtained by wars of conquest. The projects of convention lying between these two declarations are the practical consequences of the rights and duties of nations as exemplified by the enlightened practice of the 21 American Republics; and while the last of these conventions approaches the threshold of war, the door to such a calamity is closed by the declaration against title by conquest, which, without abolishing war, seeks to prevent its occurrence by depriving the victor of material profit from its prosecution.

The first of these declarations, adopted January 6, 1916, was the first formal act of the first session of the American Institute of International Law, meeting for the first time at the city of Washington on December 29, 1915, in connection with and under the auspices of the Second Pan American Scientific Congress. It stated in six articles what its members considered to be the fundamental rights and duties of nations, having in mind the conception of nation obtaining in the Western World. It seemed peculiarly appropriate at a time when the Old World was at war that the voice of the New should be heard speaking the language of law and of peace. Before its final drafting, the declaration had the approval of Mr. Elihu Root, who made some suggestions in its wording. Since its adoption by the Institute it has made its way in the world and appears to be regarded as an important and generally accepted restatement of fundamental conceptions.

In thorough accord with the views of American publicists, irrespective of nationality, every proposition of the declaration is found embedded in the practice of the American Republics and sanctioned by their courts of justice wherever they have reached such tribunals. Only yesterday the Secretary of State of the United States confessed in public his faith in the declaration, saying, "We recognize the equality of the American Republics, their equal rights under the law of nations." And referring to the declaration drafted, as he said, by jurists representing the American Republics, not in terms of philosophy or of ethics, but in terms of law, and after quoting the first five articles of the declaration he stated in express terms that "this declaration embodies the fundamental principles of the policy of the United States in relation to the Republics of Latin America." And in the course of conversation with a North American member of the Institute he expressed his willingness to have the declaration stand at the head of any code of international law to be adopted by the American Republics. This was also the view of the members of the Institute present at Lima, and therefore the declaration of rights and duties, together with an addition by which the American Republics pledge themselves to the diffusion of the principles of international law, stands at the head of and ushers in those projects.

It is not without interest to mention the origin of the declaration with which the projects conclude. The First International Conference of the

Americas met in the city of Washington in the latter part of 1889 and adjourned in the beginning of the next year. Its chairman was the Hon. James G. Blaine, then Secretary of State of the United States, who had called the conference into being, and who approved of its proceedings in behalf of the Government of the United States. In addition to a treaty of arbitration, the right of conquest was sought to be excluded from the practice of the American Republics. To this end the conference therefore earnestly recommended to the governments represented in this epoch-making gathering:

First. That the principle of conquest shall not, during the continuance of the treaty of arbitration, be recognized as admissible under American public law.

Second. That all cessions of territory made during the continuance of the treaty of arbitration shall be void, if made under threats of war or the presence of an armed force.

Third. Any nation from which such cessions shall be exacted may demand that the validity of the cession so made shall be submitted to arbitration.

Fourth. Any renunciation of the right to arbitration made under the conditions named in the second section shall be null and void.

* * * * *

In submitting these imperfect projects of feeble hands, the Executive Committee recalls that 300 years to the month have passed since the first systematic treatise on *Rights and Duties of Nations in Times of War and Peace* was published by "the Miracle of Holland"—then an exile in France—to use the name given by Henry IV to Huig van Groot, lawyer and statesman, poet and historian, publicist, philosopher, and theologian. The committee further recalls that the masterpiece of 1625 grew out of a professional brief which Grotius had prepared some 20 years previously, when he was retained by clients in the prosecution of a suit at law. Its success was instantaneous, and the law of nations became a recognized branch of jurisprudence; it was taught as such in the universities; it was practised as such in the courts; it was meditated in the seclusion of the cloister, and in the study of the scholar. Treatise as it was, it nevertheless possessed the authority of a code.

Once again, the Executive Committee would call attention to the fact that the first successful example of the codification of a branch of international law was also a professional exercise, growing out of Doctor Lieber's restatement of the laws of war in the form of a code, at the request of the President of the United States, for the guidance of their armies in the field.

Therefore the members of the Executive Committee feel that they are dealing with law in a very real and practical sense, capable of statement in the form of a code, assuredly able to control the conduct of nations in times of peace, as it has been able to stay the hand of war. As they have invoked the example of Doctor Lieber in connection with codification, they are un-

willing to close this, their report of progress, transmitting the accompanying projects of convention—the first ever prepared at the official request of governments for the conduct of their international relations—without again mentioning the name of Grotius, and without the hope that in some way the labor of their hands may be considered as a homage to his memory on this three hundredth anniversary of the publication of the treatise of the master which made the principles of international law a branch of jurisprudence and a law to the nations.

Respectfully submitted on this 2d day of March, 1925.

JAMES BROWN SCOTT,
President of the American Institute of International Law.

Annex A

LETTER ADDRESSED TO THE MEMBERS OF THE AMERICAN INSTITUTE OF INTERNATIONAL LAW

PARIS, *October 12, 1924.*

DEAR AND HONORABLE COLLEAGUE:

We have the honor to inform you that a special session of the American Institute of International Law will be held at Lima, Peru, simultaneously with the meeting of the Third Pan American Scientific Congress, which will meet in that city December 20, 1924–January 6, 1925.

This special meeting has been called by the Executive Committee in order to enable the Institute to comply with the request contained in the following resolution adopted by the Governing Board of the Pan American Union, at Washington, January 2, 1924:

Whereas, the Fifth International Conference of American States adopted a vote of thanks for the results achieved by the American Institute of International Law; and

Whereas, one of the purposes for which the American Institute of International Law has been established is to secure a more definite formulation of the rules of international law; and

Whereas, the codification of the rules of international law is the most important task entrusted to the International Commission of Jurists; and

Whereas, the labors of the American Institute of International Law will be of great service to the International Commission of Jurists in the fulfillment of the task assigned to it: Be it

Resolved by the Governing Board of the Pan American Union, To submit to the Executive Committee of the American Institute of International Law the desirability of holding a session of the Institute in 1924 in order that the results of the deliberations of the Institute may be submitted to the International Commission of Jurists at its meeting at Rio de Janeiro in 1925.

There is inclosed herewith for your information a copy of the resolution of the Fifth International Conference of American States adopted at Santiago

de Chile, proposing that the Congress of Jurists meet at Rio de Janeiro in the year 1925 for the purpose of proceeding to the codification of international law.

In transmitting to the President of the American Institute a copy of that resolution and also of the resolution adopted by the Governing Board of the Pan American Union on January 2, 1924, the Hon. Charles Evans Hughes, chairman of the Governing Board, said:

The Commission of Jurists, provided for by the Santiago resolution, is called upon to perform a very great international service, and I feel convinced that in the performance of this service the American Institute of International Law can be most helpful. I hope, therefore, that the suggestions submitted by the Governing Board of the Pan American Union may have the approval of the Executive Committee of the American Institute of International Law. The establishment of such close coöperative relationship will serve to advance the work which the commission is called upon to perform and will thus bring us nearer to the accomplishment of the purpose for which the International Commission of Jurists was established.

In view of the great importance of the meeting, it is hoped that there will be a full attendance of the members of the Institute at Lima in December next.

The Executive Committee of the Institute is now engaged upon the formulation of drafts of projects relating to the codification of certain portions of international law, which will be submitted to the meeting at Lima for its consideration. It is hoped that the members of the Institute will, in the meantime, be giving the matter their careful consideration, and come to the meeting prepared to submit suggestions as to the scope and content of the drafts to be recommended by the Institute to the International Commission of Jurists, provided for by the Santiago resolution. Should, unfortunately, any members of the Institute be unable to attend the meeting at Lima, it is requested that any suggestions or drafts that they may have to propose be sent to the Executive Committee of the Institute in advance of the meeting.

These documents may be addressed to the president of the Institute at No. 2 Jackson Place, Washington, D. C., United States of America.

We hope that you will be able to accept this invitation, which we deem of the greatest importance, and that you will apply yourself to this task in order that the American Institute may reap the benefit of your knowledge, your experience, and, above all, your good judgment.

We beg you to accept, sir and dear colleague, the assurance of our high consideration, and believe us to be,

Very sincerely yours,

ALEJANDRO ALVAREZ,
Secretary General.

JAMES BROWN SCOTT,
President.

Annex B

RESOLUTION CONCERNING THE CODIFICATION OF AMERICAN
INTERNATIONAL LAW

*Adopted at the Fifth International Conference of American States,
Santiago, Chile, April 26, 1923*

The Fifth International Conference of American States resolves:

1. To request each Government of the American Republics to appoint two delegates to constitute the Commission of Jurists of Rio de Janeiro;
 2. To recommend that the committees appointed by the Commission of Jurists be reestablished;
 3. To request these committees to undertake and to reconsider their work in the light of the experience of recent years and also in view of the resolutions of the Fifth International Conference of American States;
 4. To designate a committee for the study of comparative civil law of all the nations of America in order to contribute to the formation of private international law, so that the results of this study may be utilized at the next meeting of the Commission of Jurists. It is understood that in the term "civil law" there are included the following topics: commercial law, mining law, law of procedure, etc. Criminal law may also be included therein;
 5. To convene the International Commission of Jurists at Rio de Janeiro during the year 1925, the precise date to be determined by the Pan American Union after consultation with the Government of Brazil;
 6. To recommend to this commission that in the domain of international law the codification should be gradual and progressive, accepting as the basis the project presented to the Fifth International Conference by the delegate of Chile, Mr. Alejandro Alvarez, entitled *La Codificación del Derecho Internacional en América*;
 7. The names of the delegates referred to in clause 1 should be communicated to the Government of Brazil and to the Pan American Union;
 8. The resolutions of the Commission of Jurists shall be submitted to the Sixth International Conference of American States, in order that, if approved, they may be communicated to the governments and incorporated in conventions;
 9. To recommend to the Commission of Jurists, which is to prepare an American code of private international law, that, if it should consider it advisable, it decide previously the juridical system to be adopted or systems to be combined as a point of departure for the rules tending to avoid or resolve conflicts of law, and that it instruct to that effect the special committees appointed to draft said code, and that it take into consideration the motions submitted to the Fifth Pan American Conference by the delegations of Argentine, Brazil, and Uruguay, as well as any others that may be suggested.
- This recommendation shall be transmitted immediately to the respective governments, in order that they may in turn be transmitted to the delegates who will form part of the committees on private international law.

Annex C

CONVENTION ESTABLISHING AN INTERNATIONAL LAW COMMISSION
*Adopted at the Third International Conference of American States,
Rio de Janeiro, August 23, 1906¹*

Their Excellencies, the Presidents of Ecuador, Paraguay, Bolivia, Colombia, Honduras, Panama, Cuba, Peru, the Dominican Republic, El Salvador, Costa Rica, the United States of Mexico, Guatemala, Uruguay, the Argentine Republic, Nicaragua, the United States of Brazil, the United States of America, and Chili;

Desiring that their respective countries should be represented at the Third International American Conference, sent thereto, duly authorized to approve the recommendations, resolutions, conventions and treaties that they might deem convenient for the interests of America, the following delegates: * * *

Who, after having communicated to each other their respective full powers and found them to be in due and proper form, have agreed to establish an International Commission of Jurists, in the following terms:

ARTICLE 1

There shall be established an International Commission of Jurists, composed of one representative from each of the signatory states, appointed by their respective governments, which commission shall meet for the purpose of preparing a draft of a code of private international law and one of public international law, regulating the relations between the nations of America. Two or more governments may appoint a single representative, but such representative shall have but one vote.

ARTICLE 2

Notice of the appointment of the members of the commission shall be addressed by the governments adhering to this convention to the Government of the United States of Brazil, which shall take the necessary steps for the holding of the first meeting.

Notice of these appointments shall be communicated to the Government of the United States of Brazil before April 1, 1907.

ARTICLE 3

The first meeting of said commission shall be held in the city of Rio de Janeiro during the year 1907. The presence of at least 12 of the representatives of the signatory states shall be necessary for the organization of the commission.

Said commission shall designate the time and place for subsequent sessions, provided, however, that sufficient time be allowed from the date of the final

¹ Ratified by Argentina, Brazil, Chile, Colombia, Costa Rica, Dominican Republic, Ecuador, Guatemala, Honduras, Mexico, Panama, Peru, Salvador, United States, and Uruguay.

meeting to permit of the submission to the signatory states of all drafts or all important portions thereof at least one year before the date fixed for the Fourth International American Conference.

ARTICLE 4

Said commission after having met for the purpose of organization and for the distribution of the work to the members thereof, may divide itself into two distinct committees, one to consider the preparation of a draft of a code of private international law and the other for the preparation of a code of public international law. In the event of such division being made, the committees must proceed separately until they conclude their duties, or else as provided in the final clause of Article 3.

In order to expedite and increase the efficiency of this work, both committees may request the governments to assign experts for the consideration of especial topics. Both committees shall also have the power to determine the period within which such special reports shall be presented.

ARTICLE 5

In order to determine the subjects to be included within the scope of the work of the commission, the Third International Conference recommends to the commissions that they give special attention to the subjects and principles which have been agreed upon in existing treaties and conventions, as well as to those which are incorporated in the national laws of the American States, and furthermore recommends to the special attention of the commission the treaties of Montevideo of 1889 and the debates relating thereto, as well as the projects of conventions adopted at the Second International Conference of the American States held in Mexico in 1902, and the discussions thereon; also all other questions which give promise of juridical progress, or which tend to eliminate the causes of misunderstanding or conflicts between said states.

ARTICLE 6

The expense incident to the preparation of the drafts, including the compensation for technical studies made pursuant to Article 4, shall be defrayed by all the signatory states in the proportion and form established for the support of the International Bureau of the American Republics, of Washington, with the exception of the compensation of the members of the commission, which shall be paid to the representatives by their respective governments.

ARTICLE 7

The Fourth International Conference of the American States shall embody in one or more treaties the principles upon which an agreement may be reached, and shall endeavor to secure their adoption and ratification by the nations of America.

ARTICLE 8

The governments desiring to ratify this convention shall so advise the Government of the United States of Brazil, in order that the said government may notify the other governments through diplomatic channels, such action taking the place of an exchange of notes.

In testimony whereof the plenipotentiaries and delegates have signed the present convention and affixed the seal of the Third International American Conference.

Made in the city of Rio de Janeiro the 23d day of August, 1906, in English, Portuguese, and Spanish, and deposited with the Secretary of Foreign Affairs of the United States of Brazil, in order that certified copies thereof be made and sent through diplomatic channels to the signatory states.

Annex D

RESOLUTION OF THE ADVISORY COMMITTEE OF JURISTS MEETING AT THE
HAGUE IN 1920, RECOMMENDING THE CODIFICATION OF
INTERNATIONAL LAW

The Advisory Committee of Jurists assembled at The Hague to draft a plan for a Permanent Court of International Justice.

Convinced that the security of states and the well-being of peoples urgently require the extension of the empire of law and the development of all international agencies for the administration of justice—

Recommends:

I. That a new conference of the nations in continuation of the first two conferences at The Hague be held as soon as practicable for the following purposes:

1. To restate the established rules of international law, especially, and in the first instance, in the fields affected by the events of the recent war.

2. To formulate and agree upon the amendments and additions, if any, to the rules of international law shown to be necessary or useful by the events of the war and the changes in the conditions of international life and intercourse which have followed the war.

3. To endeavor to reconcile divergent views and secure general agreement upon the rules which have been in dispute heretofore.

4. To consider the subjects not now adequately regulated by international law, but as to which the interests of international justice require that rules of law shall be declared and accepted.

II. That the Institute of International Law, the American Institute of International Law, the *Union Juridique Internationale*, the International Law Association, and the Iberian Institute of Comparative Law be invited to prepare with such conference or collaboration *inter sese* as they may deem useful, projects for the work of the conference to be submitted beforehand to

the several governments and laid before the conference for its consideration and such action as it may find suitable.

III. That the conference be named Conference for the Advancement of International Law.

IV. That this conference be followed by further successive conferences at stated intervals to continue the work left unfinished.

AMERICAN INSTITUTE OF INTERNATIONAL LAW

Texts of Projects

The committee of the American Institute of International Law designated at the meeting in Lima for the codification of American international law, and of which the Executive Committee of the Institute forms a part, presents the following series of projects of conventions for the preparation of a code of public international law.

Each member signing reserves his opinion on individual points.

Habana, February 25, 1925.

JAMES BROWN SCOTT.	PIERRE HUDICOURT.
ALEJANDRO ALVAREZ.	JOSÉ MATOS.
LUIS ANDERSON.	RODRIGO OCTAVIO.
ANTONIO SÁNCHEZ DE BUSTAMANTE.	

AMERICAN INSTITUTE OF INTERNATIONAL LAW

Project No. 1

PREAMBLE

Whereas:

1. Since the World War a new era has dawned in international life, an era marked by the eagerness of all nations to insure the maintenance of a stable peace and to foster the spirit of mutual trust and coöperation which should exist between them;

2. Now, more than ever, the American Republics recognize two great duties: to coöperate with the other nations of the world toward the realization of the above-mentioned objects, and to strengthen the bonds of solidarity between them which nature and history have happily established;

3. The American Republics are of the opinion that to preserve the peace it is necessary to study carefully the causes of war in order to prevent its possible outbreak; to base international relations upon justice while gradually extending the domain of law, and in every case peaceably to settle the disputes which may arise between nations always with due respect to their independence, their liberty and their legal equality;

4. International law originated and developed on the European Continent and has thence been extended to all the nations of the world, but outside of Europe certain rules or principles have been modified in conformity with the special conditions prevailing in certain regions;

5. During the nineteenth century, and especially since the World War, considerable changes have taken place in the life of the peoples, which have had a natural reaction upon international relations;

6. It is therefore necessary to state clearly the principles and rules of international law in force, and to indicate their lacunæ and divergences in order thereupon to frame rules and regulations supplying the omissions and correcting the divergences, bringing both principles and rules into harmony with the new conditions of international life and the requirements of public opinion. To attain this end such rules and regulations must be based upon the idea of coöperation, international duty, and the common interests;

7. After this work of examination and reconstruction of international law, it is necessary to undertake its codification, but in a gradual and progressive manner, and in such a form as not to impede the free development of the law;

8. In view of the importance of the American Republics, there should exist in future a closer coöperation between them and the nations of the world, for the purpose of determining the principles and rules of universal international law; but it is incumbent upon the American Republics to determine among themselves alone the rules which shall regulate simply their reciprocal relations;

9. The American Republics are more interested in regulations concerning the peaceful relations of the nations and neutrality than in those concerning war, in the hope that the latter has happily and forever vanished from the American Continent;

10. In accordance with the preceding considerations, the American Republics desire to undertake the codification of international law resolved upon at the Pan American conferences;

Therefore, the American Republics have agreed to frame a series of conventions regulating the following subjects:

AMERICAN INSTITUTE OF INTERNATIONAL LAW

Project No. 2

GENERAL DECLARATIONS

1. By the act of incorporating themselves into the community of nations, the American Republics recognized as applicable to themselves the international law in force in Europe. But at the same time and thereafter they have maintained the right to reject or to protest against the rules in force in Europe which were in contradiction to their independence and sovereignty; they have maintained the power to proclaim other principles or rules more in harmony with the new conditions of their existence and more favorable to their free development. They have claimed especially the right to establish fundamental bases for American international society in conformity with their necessities and aspirations.

2. The American Republics declare that matters pertaining especially to America should be regulated in our continent in conformity with the principles of universal international law, if that be possible, or by enlarging and developing those principles or creating new ones adapted to the special conditions existing on this continent.

3. By American International Law is understood all of the institutions, principles, rules, doctrines, conventions, customs, and practices which, in the domain of international relations, are proper to the republics of the New World.

The existence of this law is due to the geographical, economic, and political conditions of the American Continent, to the manner in which the new republics were formed and have entered the international community, and to the solidarity existing between them.

American International Law thus understood in no way tends to create an international system resulting in the separation of the republics of this hemisphere from the world concert.

AMERICAN INSTITUTE OF INTERNATIONAL LAW

Project No. 3

DECLARATION OF PAN AMERICAN UNITY AND COÖPERATION

The representatives of the twenty-one American Republics, duly authorized by their respective governments, and acting under an abiding sense of its fundamental and far-reaching importance, formally and unreservedly accept in their behalf the declaration of those principles of Pan American unity and of Pan American coöperation which must ever guide the Americas in their mutual relations, made by Mr. Elihu Root, as Secretary of State of the United States, in the presence of the official representatives of the Americas at the Third Pan American Conference held at Rio de Janeiro in 1906:

I. We wish for no victories but those of peace; for no territory except our own; for no sovereignty except the sovereignty over ourselves. We deem the independence and equal rights of the smallest and weakest member of the family of nations entitled to as much respect as those of the greatest empire, and we deem the observance of that respect the chief guaranty of the weak against the oppression of the strong. We neither claim nor desire any rights, or privileges, or powers that we do not freely concede to every American Republic. We wish to increase our prosperity, to expand our trade, to grow in wealth, in wisdom, and in spirit, but our conception of the true way to accomplish this is not to pull down others and profit by their ruin, but to help all friends to a common prosperity and a common growth, that we may all become greater and stronger together.

The representatives of the twenty-one American Republics further accept on behalf of their respective governments the declaration of the spirit which should animate the American Republics in the settlement of the differences between and among them made by Mr. Elihu Root, as Secretary of State of the United States, in the presence of the official representatives of the Americas, on laying the cornerstone of the Palace of the American Republics in Washington, in 1908:

II. There are no international controversies so serious that they can not be settled peaceably if both parties really desire peaceable settlement, while there are few causes of dispute so trifling that they cannot be made the occasion of war if either party really desires war. The matters in dispute between nations are nothing; the spirit which deals with them is everything.

AMERICAN INSTITUTE OF INTERNATIONAL LAW

Project No. 4

FUNDAMENTAL BASES OF INTERNATIONAL LAW

Whereas it is proper to determine clearly for the future the fundamental bases of international law, and an end should be put to the uncertainty and the diversity of doctrines heretofore existing on this subject;

Therefore, the American Republics have agreed upon the following convention relative to the "*Fundamental Bases of International Law*":

SECTION I

NATURE AND EXTENT OF INTERNATIONAL LAW

ARTICLE 1

The reciprocal relations of nations forming the international community are governed by the principles, rules, customs, practices, or usages which are recognized as applicable and which taken together constitute international law.

ARTICLE 2

In addition to those matters which heretofore have come within the domain of international law, there belong other new matters arising out of the exigencies of modern social life, as well as the international rights of individuals, namely, the rights which natural or juridical persons can invoke in each nation in the cases expressly provided for in the convention on this subject.

ARTICLE 3

International law forms a part of the national law of every country. In matters which pertain to it, it should therefore be applied by the national authorities as the law of the land.

ARTICLE 4

National laws should not contain provisions contrary to international law.

ARTICLE 5

Violations of the provisions contained in the preceding articles by the authorities of a country make the latter responsible for the injuries which the said violations may cause to other nations or their nationals.

SECTION II

ELEMENTS OF GENERAL INTERNATIONAL LAW

ARTICLE 6

International principles, rules, customs, practices, or usages are either *general* or *particular*.

Those followed by all or nearly all nations of the world are *general*.

The *particular* principles, rules, or usages may be:

- (a) Continental,
- (b) Regional,
- (c) Particular to a school,
- (d) Special,
- (e) National, or
- (f) Constitute rules of civilization.

(a) *Continental* principles, rules, and usages are those recognized by the nations of a continent as intended to regulate their reciprocal relations; also those principles or rules proclaimed by them for observance by all the countries of the continent, for example, the rules called American public law.

(b) Principles and rules established or customs followed by a certain group of nations for the regulation of their reciprocal relations are *regional*.

(c) Rules *particular to a school* are those followed or professed by a group of nations belonging to what is called a school of international law.

(d) *Special* rules are those established by agreement between two or more countries to regulate their reciprocal relations in certain matters.

(e) *National* rules are rules which each country enacts on matters which international law accords them the power to establish.

(f) Rules of *civilization* are those which are intended for application only to certain semicivilized populations.

SECTION III

SOURCE; OBLIGATORY FORCE IN AMERICA OF INTERNATIONAL RULES, CUSTOMS,
OR PRACTICES; ABROGATION

ARTICLE 7

International rules on the American Continent are derived from the express consent of the American Republics, manifested by conventions and other international acts, duly ratified by them, and having as object the establishment of a norm of conduct to be followed as obligatory.

These rules may also be derived from custom recognized as obligatory by the majority of those republics.

ARTICLE 8

The rules established by convention among the American Republics bind only those which have ratified or adhered to them. But if those rules have a fundamental character and have been accepted by the great majority of American Republics, any one of the latter may request the Pan American Union to bring about an exchange of views in order that these rules may, if possible, be accepted by all.

The rules established by convention can be abrogated only by an express declaration of the American Republics or by the adoption, likewise formal, of a rule to the contrary.

ARTICLE 9

In the absence of rules established by convention, recourse shall be had to rules founded on custom.

ARTICLE 10

In the absence of rules of custom, recourse shall be had to the more or less general practices or usages of the American Republics.

Such practices or usages can only be invoked by the republics observing them.

SECTION IV

DEVELOPMENT AND INTERPRETATION OF THE RULES OF INTERNATIONAL
LAW IN AMERICA

ARTICLE 11

In the absence of rules established by convention, of customs, or usages of the American Republics, recourse shall be had to the rules established by the conventions signed by the said republics at the Pan American Conferences which have not yet been ratified but whose ratification is pending.

Such rules, although they lack obligatory force, should be considered as a manifestation of the legal consciousness of the New World.

ARTICLE 12

In the absence of even unratified conventions recourse shall be had, in the international relations of American Republics, to the rules of universal international law in so far as they are not contrary to the American principles indicated above.

ARTICLE 13

In the absence of positive principles or rules, the relations between the American Republics shall be governed by the general principles of international law; and in the absence of those principles, by the precepts of international justice.

ARTICLE 14

The general principles of international law are those drawn from the rules in force of that law, especially when they have been recognized by diplomatic acts or arbitral awards.

ARTICLE 15

The precepts of international justice are those which public opinion recognizes should govern the relations between nations.

Those precepts must have been expressed in such acts as *vœux* of international conferences, resolutions of recognized scientific institutions, or opinions of contemporary publicists of authority.

SECTION V

VALUE OF NATIONAL LAWS, DIPLOMATIC PRECEDENTS, ARBITRAL AWARDS,
AND OPINIONS OF PUBLICISTS

ARTICLE 16

National laws enacted by American Republics on matters authorized by international law should be respected on the territory of the legislating republic by all other countries, provided they do not contain provisions contrary to that law.

A national law concerning matters not authorized by international law, but which is not contrary thereto, shall not bind the other nations. However, these nations may take advantage of the part thereof favorable to themselves during the time that such law is in force.

ARTICLE 17

The practices of courtesy usually followed may be invoked by any country whatsoever, but conformity thereto may not be insisted upon. In no case may refusal be considered an offense.

ARTICLE 18

Diplomatic precedents, arbitral awards, decisions of national courts in international matters, as well as the opinion of publicists of authority, have value only in so far as they throw a light upon existing law or upon the other elements mentioned above to which recourse should be had in the absence of legal rules.

ARTICLE 19

International rules should always be developed and interpreted in a spirit of international solidarity and general utility.

SECTION VI

SANCTIONS OF INTERNATIONAL RULES IN AMERICA

ARTICLE 20

The observance of international law rests principally upon the honor of the American Republics, under the sanction of public opinion.

ARTICLE 21

American Republics have the right to protest against violations of international law, even if those violations do not directly affect them.

ARTICLE 22

American Republics directly injured by a violation of international law may address themselves to the Pan American Union in order that it may bring about an exchange of views on the matter.

They may also have recourse to moral sanctions, such as an appeal to public opinion, the publication of the official correspondence showing wherein the nation was at fault, a request for arbitration, the severance of diplomatic relations.

AMERICAN INSTITUTE OF INTERNATIONAL LAW

Project No. 5

NATIONS

The American Republics . . . , desirous of stating the elements which enter into the international conception of the nation, have decided to adopt the following convention:

ARTICLE 1

A nation as a person of international law should possess these elements:

1. Population.
2. Territory. Nomadic tribes or peoples are thus excluded from this category.
3. A government which represents the sovereign will.
4. The power of entering into relations with other nations.
5. A degree of civilization such as to enable it to observe the principles of international law.

In this conception all the American Republics are nations.

ARTICLE 2

Nations are legally equal. The rights of each do not depend upon the power at its command to insure their exercise. Nations enjoy equal rights and equal capacity to exercise them.

AMERICAN INSTITUTE OF INTERNATIONAL LAW

Project No. 6

RECOGNITION OF NEW NATIONS AND OF NEW
GOVERNMENTS

Whereas it is useful to define the scope as well as the conditions of the recognition of new nations and of new governments,

The American Republics have concluded the following convention:

ARTICLE 1

The recognition of a nation by an American Republic has for its object to accept its personality with all the rights and all the duties established by international law.

The recognition of the government of a nation has for its object merely to enter into diplomatic relations with the said nation, or to continue the relations existing.

ARTICLE 2

The political existence of a nation is independent of any recognition. Consequently it has the enjoyment of the fundamental rights and it is bound by the fundamental obligations mentioned in the "Declaration of the Rights and Duties of Nations."

ARTICLE 3

Recognition of a new nation should be made unconditionally. It may be express or tacit. Tacit recognition results from any act of an American Republic implying the intention to recognize the new nation.

ARTICLE 4

Every legally constituted government has the right to be recognized. Refusal of recognition by one of the republics may be considered an unfriendly act.

ARTICLE 5

Every abnormally constituted government may be recognized if it is capable of maintaining order and tranquillity and is disposed to fulfill the international obligations of the nation.

AMERICAN INSTITUTE OF INTERNATIONAL LAW

Project No. 7

DECLARATION OF RIGHTS AND DUTIES OF NATIONS

Whereas the municipal law of civilized nations recognizes and protects the right to life, the right to liberty, the right to the pursuit of happiness, as added by the Declaration of Independence of the United States of America, the right to legal equality, the right to property, and the right to the enjoyment of the aforesaid rights; and

Whereas these fundamental rights, thus universally recognized, create a duty on the part of the peoples of all nations to observe them; and

Whereas, according to the political philosophy of the Declaration of Independence of the United States, and the universal practice of the American Republics, nations or governments are regarded as created by the people, deriving their just powers from the consent of the governed, and are instituted among men to promote their safety and happiness and to secure to the people the enjoyment of their fundamental rights; and

Whereas the nation is a moral or juristic person, the creature of law, and subordinated to law as is the natural person in political society; and

Whereas we deem that these fundamental rights can be stated in terms of international law and applied to the relations of the members of the society of nations, one with another, just as they have been applied in the relations of the citizens or subjects of the states forming the society of nations; and

Whereas these fundamental rights of national jurisprudence, namely, the right to life, the right to liberty, the right to the pursuit of happiness, the right to equality before the law, the right to property, and the right to the observance thereof are, when stated in terms of international law, the right of the nation to exist and to protect and to conserve its existence; the right of independence and the freedom to develop itself without interference or control from other nations; the right of equality in law and before law; the right to territory within defined boundaries and to exclusive jurisdiction therein; and the right to the observance of these fundamental rights; and

Whereas the rights and the duties of nations are, by virtue of membership in the society thereof, to be exercised and performed in accordance with the exigencies of their mutual interdependence expressed in the preamble to the Convention for the Pacific Settlement of International Disputes of the First and Second Hague Peace Conferences, recognizing the solidarity which unites the members of the society of civilized nations—

The American Republics have agreed to approve the following:

DECLARATION OF THE RIGHTS AND DUTIES OF NATIONS

I. Every nation has the right to exist, and to protect and to conserve its existence; but this right neither implies the right nor justifies the act of the

state to protect itself or to conserve its existence by the commission of unlawful acts against innocent and unoffending states.

II. Every nation has the right to independence in the sense that it has a right to the pursuit of happiness and is free to develop itself without interference or control from other states, provided that in so doing it does not interfere with or violate the rights of other states.

III. Every nation is in law and before law the equal of every other nation belonging to the society of nations, and all nations have the right to claim and, according to the Declaration of Independence of the United States, "to assume, among the Powers of the earth, the separate and equal station to which the laws of nature and of nature's God entitle them."

IV. Every nation has the right to territory within defined boundaries and to exercise exclusive jurisdiction over its territory, and all persons whether native or foreign found therein.

V. Every nation entitled to a right by the law of nations is entitled to have that right respected and protected by all other nations, for right and duty are correlative, and the right of one is the duty of all to observe.

VI. International law is at one and the same time both national and international; national in the sense that it is the law of the land and applicable as such to the decision of all questions involving its principles; international in the sense that it is the law of the society of nations and applicable as such to all questions between and among the members of the society of nations involving its principles.

VII. The American Republics recognize it as a fundamental duty to furnish instruction to their nationals in their international obligations and duties as well as in their rights and prerogatives, thus creating the "international mind" and the public opinion which shall in the future obtain by persuasion what force has failed to gain in the past.

AMERICAN INSTITUTE OF INTERNATIONAL LAW

Project No. 8

FUNDAMENTAL RIGHTS OF AMERICAN REPUBLICS

Whereas: 1. Since their independence the American Republics have proclaimed and maintained certain principles destined to secure their independence, liberty, and unrestricted development;

2. Beginning with the nineteenth century the said republics have amplified and developed those principles by their express or tacit consent;

3. It is necessary to state clearly those fundamental principles and at the same time extend them to their reciprocal relations;

The American Republics have concluded the following project of Fundamental Rights of the Republics of the American Continent:

ARTICLE 1

The following principles are declared to constitute American public law and shall be applied and respected in America by all nations:

1. The American Republics, equal before international law, have the rights inherent in complete independence, liberty, and sovereignty. Such rights can in no way be restricted to the profit of another nation, even with the consent of the interested American Republics.

2. No American Republic can cede any part whatever of its territory to a non-American nation, even if it consents to do so.

3. No nation shall hereafter, for any reason whatsoever, directly or indirectly, occupy even temporarily any portion of the territory of an American Republic in order to exercise sovereignty therein, even with the consent of the said republic.

4. No nation has a right to interfere in the internal or foreign affairs of an American Republic against the will of that republic. The sole lawful intervention is friendly and conciliatory action without any character of coercion.

ARTICLE 2

In case of violation of the provisions of the preceding articles by one or more nations; or, in general, in case of menace, offense, or acts of violence, individual or collective, committed by those nations with respect to an American Republic, the continental solidarity will be affected thereby, and any American Republic may address the Pan American Union with the object of bringing about an exchange of views on the subject.

AMERICAN INSTITUTE OF INTERNATIONAL LAW

Project No. 9

PAN AMERICAN UNION

Whereas: 1. It is necessary to organize American international life on the basis of coöperation and in such a way that this organization may reflect the legal consciousness and opinion of the Republics of the New Continent;

2. The legal equality of all American Republics and the mutual respect for their independence and sovereignty should form the foundation of an organization of this nature;

3. The Pan American Union, perfected in the course of the various conferences held by the American Republics, should be the framework for the said organization;

4. At the Pan American Conferences, especially the fifth, the need has been recognized to make closer the union of the Republics of the New World, thereby strengthening their common interests:

The American Republics have agreed to complete the organization of the Pan American Union by means of the following Convention:

ARTICLE 1

The Pan American Union is a permanent organ of conciliation and co-operation between the Republics of the New World:

All the American Republics have the right to be represented in the Union on the basis of equality.

ARTICLE 2

In addition to the functions conferred upon it by the various conventions, the Pan American Union should:

1. Serve as an organ of communication between the various American Governments, for the purposes of the present agreement;

2. Publish the treaties or other international acts subscribed to by the American Republics among themselves or with other countries;

3. Compile and distribute information and publications relative to the commercial, industrial, agricultural and educational development, as well as the general progress of the American Republics;

4. Assist in the development of commercial and intellectual relations and of a more perfect understanding between the American Republics;

5. Act as a Permanent Commission of the International Conferences of American States; keep the records and archives; secure the ratification of the treaties and conventions, as well as the observance of the resolutions adopted; and prepare the program and regulations of each Pan American Conference;

6. Present to the various governments, upon the occasion of each new

conference, a report upon the work of the Union since the last conference; furnish special reports upon questions which may have been referred to it;

7. Perform in general such functions as shall be intrusted to it by the Pan American conferences, or by the Governing Board of the Pan American Union, by virtue of the powers conferred upon it by the present convention.

To carry out these different purposes, the Governing Board of the Pan American Union shall have the power to create such administrative divisions or offices as it may deem necessary.

ARTICLE 3

In carrying out its work the Pan American Union will have the coöperation of the following permanent commissions, designated by the Governing Board:

1. Commission for the development of diplomatic relations and the codification of international law.

2. Commission for the development of economic and commercial relations between the American Republics, and in general for securing coöperation between them.

3. Commission for the study of all matters relating to the international organization of labor in America.

4. Commission for the study of questions relating to hygiene in the American Republics.

5. Commission for the development of intellectual coöperation, with special reference to coöperation between universities.

ARTICLE 4

The Pan American Union may appoint a special commission, which shall have the following duties:

1. To see that a maritime map of the American Continent is drawn, on which shall be indicated the different zones to be distinguished for navigation, especially the territorial sea and the part contiguous thereto. This map should also indicate the regions to which the present convention is not applicable, particularly the antarctic and polar regions.

2. To see to the observance of the most absolute freedom of navigation in accordance with this treaty, and to see that no nation interferes with it even indirectly. Every violation which appears to be established by the special commission shall be communicated to the Pan American Union.

3. To recommend to the Pan American Union any other measure relating to maritime navigation which it may deem useful.

4. To register and publish the laws and regulations on the subject of navigation enacted by the American Republics.

5. To study the best method of making the provisions of the laws and regulations referred to in the preceding paragraph uniform.

ARTICLE 5

In the capital of each of the American Republics there shall be established bureaus attached to the Ministry of Foreign Affairs or else commissions composed as far as possible of former delegates to the International Conferences of American States. These bureaus or commissions shall have the following duties:

(a) They shall endeavor to obtain the ratification of the treaties and conventions, and to secure compliance with the resolutions adopted by the conferences.

(b) They shall furnish the Pan American Union information whenever it may request it for the preparation of its work.

(c) They shall present upon their own initiative projects which they may consider adapted to the purposes of the Union, and shall exercise the functions which the respective governments in view of these purposes may confer upon them.

ARTICLE 6

The American Republics have the right to be represented in the Pan American Union and at the International Conferences of American States. The government of the Pan American Union shall be vested in a Board composed of the diplomatic representatives of the American Republics accredited to the Government of the United States of America, and the Secretary of State of that country. The American Republics which for any reason whatever may not have a diplomatic representative accredited to the Government of the United States of America may appoint a special representative to the Board of the Union. In case of temporary hindrance, leave of absence or illness, of the Ambassador, Minister, or *Chargé d'Affaires* accredited at Washington, the interested Republic may appoint a special representative to the Board. This representative may be selected from among the other members of the Board, in which case such member shall have a vote for each republic that he represents.

The Board shall elect its President and Vice President.

ARTICLE 7

The Governing Board shall appoint the following officers:

1. A Director General, who shall have charge of the administration of the Pan American Union, with power to promote its development as far as possible and in accordance with the provisions of the present convention and with the regulations and resolutions of the Board. The Director General, who shall be responsible to the Board, shall attend in an advisory capacity the meetings of the Governing Board, of the commissions, and of the International Conferences of American States. He shall furnish them such information as they may need.

2. An Assistant Director, of different nationality from that of the Director, who shall act as Secretary of the said Governing Board.

The Governing Board shall determine the conditions relative to the appointment of the personnel, as well as their duties.

The Director General shall prepare, with the approval of the Governing Board and in accordance with the present convention, the internal regulations by which the various services of the Pan American Union must be governed.

ARTICLE 8

The Director General of the Pan American Union shall present at the regular session of the Governing Board in November of each year a detailed budget of the expenses of the next fiscal year. This budget, after being approved by the Governing Board, shall be communicated to the governments members of the Union, with an indication of the quota, fixed in proportion to population, which each government must pay into the treasury of the Pan American Union. This payment must be made not later than the first of July of the following year.

The Governing Board shall appoint from among its members a committee charged with examining, on the date to be determined by the Board, the accounts of the expenditures of the Union, in conformity with the financial arrangements established by the regulations.

ARTICLE 9

Matters submitted for study to the Pan American Union shall be the subject of publications, to be made under its auspices and with the previous consent of the Governing Board. In order to assure the greatest possible accuracy in these publications, the governments of each republic shall transmit directly to the Library of the Pan American Union two copies of all official documents or publications which may relate to matters connected with the purposes of the Union.

The correspondence and publications of the Pan American Union shall be carried free of charge by the mails of the American Republics.

AMERICAN INSTITUTE OF INTERNATIONAL LAW

Project No. 10

NATIONAL DOMAIN

The American Republics . . . , desirous of defining in conventional form the nature and extent of the elements forming their national domain, have agreed upon the following articles:

SECTION I

GENERAL PROVISIONS

ARTICLE 1

Every nation exercises its sovereignty in an area of land and water within definite boundaries and in the space above the said area.

ARTICLE 2

The boundaries of a nation may be natural or artificial. They are natural, such as the free sea, or artificial, such as a parallel of latitude.

ARTICLE 3

If a range of mountains constitutes the boundary, the line of demarcation follows the watershed.

ARTICLE 4

If the boundary is a nonnavigable river, the middle shall be the dividing line, if there is no provision or practice to the contrary.

If the river is navigable the boundary is, in the absence of an agreement or practice to the contrary, a line through the middle of the deepest or most navigable channel.

SECTION II

THE TERRITORIAL SEA

ARTICLE 5

By territorial sea is meant the extent of the ocean which washes the coasts of the American Republics to a distance of — marine miles measured from the lowest point of low-water mark.

ARTICLE 6

For bays extending into the territory of a single American Republic the territorial sea follows the sinuosities of the coast, except that it is measured from a straight line drawn across the bay at the point nearest the opening into the sea where the two coasts of the bay are separated by a distance of — marine miles, unless a greater width shall have been sanctioned by continued and well-established usage.

In the case of an international bay whose coasts belong to two or more different countries, the territorial sea follows the sinuosities of the coast, unless there exists an agreement to the contrary.

ARTICLE 7

With regard to islands and keys possessed by an American Republic outside or within the limits of its territorial sea, each shall be surrounded by a zone of territorial sea coming within the definition of Article 5.

In case of an archipelago, the islands and keys composing it shall be considered as forming a unit and the extent of territorial sea referred to in Article 5 shall be measured from the islands farthest from the center of the archipelago.

ARTICLE 8

The American Republics exercise the right of sovereignty not only over the water but over the bottom and the subsoil of their territorial sea.

By virtue of that right each of the said republics can exploit alone or permit others to exploit all the riches existing within that zone.

The American Republics may also enact all laws and regulations which they may deem necessary to ensure the observance of measures of hygiene, security, police, and customs in so far as they are in accordance with the international agreements concluded by them. The said laws and regulations should be communicated to the Pan American Union.

SECTION III

STRAITS AND NATURAL CHANNELS CONNECTING TWO SEAS

ARTICLE 9

In straits and natural channels connecting two free seas and separating two or more republics—either on two continents, a continent and an island, or two islands—the limit of the territorial waters of each republic shall be the middle of the strait or channel separating them, if the width of this is less than — miles. In such case each one of the said republics has within its own zone the right of sovereignty and jurisdiction which it possesses over its territorial sea.

ARTICLE 10

If the strait or channel is more than — miles in width, the right of the riparian American Republics shall extend for — miles from their respective coasts. Outside this limit navigation shall be entirely free, but only if each entrance to the strait is more than — miles in width; otherwise, navigation in the said zone shall be subject to the regulations of the riparian republics.

ARTICLE 11

If the strait or channel separates two coasts of the same republic, the said republic shall be the sole proprietor and navigation shall be subject to its regulations.

SECTION IV

CANALS

ARTICLE 12

Canals constructed for the purpose of connecting two seas by a republic exercising sovereignty on both banks or by two or more adjacent republics shall be governed by the regulations drawn up by the said republics in accordance with the principle of free navigation. These regulations shall be communicated to the Pan American Union.

ARTICLE 13

If the canal has been constructed by an American Republic or by a corporation on the territory of another republic and with the consent of the latter, its régime shall be determined by the act of concession and communicated to the Pan American Union.

SECTION V

LAKES

ARTICLE 14

Lakes lying entirely within the territory of an American Republic shall form a part of its national domain, even if their waters flow into a sea, strait, or international river.

ARTICLE 15

When a lake separates two or more republics, these republics shall have a common right to the waters of the said lake. Regulations pertaining to the use of the lake should be drawn up with the mutual consent of the riparian republics, who shall communicate them to the Pan American Union.

AMERICAN INSTITUTE OF INTERNATIONAL LAW

Project No. 11

RIGHTS AND DUTIES OF NATIONS IN TERRITORIES IN DISPUTE ON THE QUESTION OF BOUNDARIES

Whereas: 1. Disputes exist relative to more or less extensive zones of territory, for the reason that it has been hitherto impossible to trace definitive frontiers or to determine clearly territorial rights in the said zones;

2. There must be established for such cases and for such cases only, regulations concerning the rights and duties in the said zones of the American Republics making claim thereto;

The American Republics have agreed to conclude the following convention:

ARTICLE 1

In case two or more republics claim that the same zone of territory belongs to them because the definitive frontier has not yet been traced, the rights and duties of the said republics in the contested zone shall be regulated by agreements establishing a *modus vivendi*, which shall permit the interested parties to exercise police power, care for the hygiene, and insure public tranquillity in the said zone.

These agreements shall also include everything pertaining to commerce in the said territory and to navigation on the rivers or lakes therein.

ARTICLE 2

In the absence of agreement between the interested governments, and if the controversy has been submitted to an arbitrator or if there is a commission charged with fixing the frontier, the arbitrator or the commission shall propose to the respective governments by way of *good offices* the provisional measures referred to in the preceding article, without thereby implying any prejudgment in the solution of the dispute.

ARTICLE 3

In the absence of a *modus vivendi* the following rules shall be observed:

1. Each of the republics claiming a zone shall abstain from exercising therein any act of sovereignty, even the most necessary acts, unless the exercise of those acts does not injure the interests of the other parties to the dispute.

2. If the two republics in dispute are in possession of the contested zone, they must respect the sovereign acts that each may have performed before the dispute arose. But once the dispute has been declared, they must abstain from new acts of sovereignty within the said zone.

3. If one of the republics is in possession of a zone of territory claimed later

by another, the one in possession of the contested zone shall continue to exercise sovereignty while the dispute is being settled.

4. Offenses committed in the zone of disputed territory must be tried by the judicial authority of that one of the interested republics which may first have taken cognizance of the criminal act.

ARTICLE 4

Provisional occupation of the disputed zone by one of the republics, or the exercise of acts of sovereignty referred to in the preceding article, shall not affect the definitive sovereignty which shall later have to be established over the said zone upon the settlement of the dispute.

ARTICLE 5

If an American Republic constructs works or proceeds to carry on work or make contracts in a territorial zone which is disputed by another, and which is assigned to the latter in the settlement of the dispute, the former shall receive from the second an indemnity equivalent to the value of the labor done and the works constructed.

It shall be the same if the works have been constructed and the labor executed while the territory was in litigation.

ARTICLE 6

No republic can cede to another rights which it may claim to have over the disputed zone of territory without the consent of the other republic or republics, parties to the case.

AMERICAN INSTITUTE OF INTERNATIONAL LAW

Project No. 12

JURISDICTION

The American Republics . . . convinced of the importance of establishing in conventional form the principles upon which is based the right of exclusive jurisdiction of each of them within its domain, and the exceptional cases in which jurisdiction may be exercised in the interest of justice beyond their boundaries, have agreed upon the following articles:

ARTICLE 1

Jurisdiction is the right and power of the nation to exercise its sovereign will within its territory.

ARTICLE 2

As each sovereign nation exercises exclusive jurisdiction, any derogation from its exercise must be derived from the consent of the nation itself.

ARTICLE 3

The jurisdiction of a nation being coterminous with its boundaries, it is presumed to legislate for itself alone, and its laws have no effect in any foreign country or portion of territory subject to the jurisdiction of another nation, unless in accordance with the principles of private international law.

ARTICLE 4

Nationals of the American Republics are subject to the jurisdiction of the country in which they are found, and may be punished by the latter for offenses which they commit.

However, a nation may render its nationals liable for offenses against its laws committed in a foreign jurisdiction.

ARTICLE 5

The entry of merchant vessels into the ports and bays of an American Republic shall be free in time of peace, except for reasons of security or of hygiene.

In the event of refusal it should be communicated forthwith to the Pan American Union.

ARTICLE 6

The entry of warships shall depend entirely upon the consent of the republic, sovereign of the port. In time of peace such consent shall be presumed.

Merchant vessels which enter and remain in the jurisdictional waters of a republic shall be subject to its regulations.

Ships of war shall not be subject to the jurisdiction of the republic in which they are sojourning, but the said republic may, if it deem it convenient to the national interest, order or compel them to depart.

In case of necessity every warship may enter any port whatsoever without being forthwith subject to the local laws and regulations. It shall not be subject to the said laws and regulations until the expiration of a reasonable time.

ARTICLE 7

The law of each nation applies to its merchant vessels on the high seas, including passengers and crew, and the property of the nation and of its nationals found thereon.

ARTICLE 8

Merchant vessels within the territorial waters of a nation shall be subject to the administrative and criminal laws and procedure of the said nation.

ARTICLE 9

Merchant vessels of all countries may pass freely through the territorial sea, subject to the laws and regulations of the republic to which the said sea belongs.

Neither warships nor merchant vessels can sojourn in the territorial sea, or fish there, or commit any act involving the violation of those laws and regulations, without the authorization of the said republic.

ARTICLE 10

Merchant vessels which violate the provisions of the present convention or the laws and regulations of an American Republic in regard to its territorial sea are subject to the jurisdiction of the said republic.

Such republic has the right to continue, within the zone contiguous to its territorial sea, the pursuit of a vessel commenced within its territorial waters, and to bring the vessel before its courts.

ARTICLE 11

Crimes committed on board a merchant vessel in the territorial sea belonging to an American Republic shall be subject to the jurisdiction of the country to which the vessel belongs, unless they disturb the order and public tranquillity of the region where they have been committed. In this case they shall be subject to the authority of the republic where the act in question was committed.

ARTICLE 12

The American Republics may extend their jurisdiction beyond the territorial sea, parallel with such sea, for an additional distance of . . . marine miles, for reasons of safety and in order to assure the observance of sanitary and customs regulations.

ARTICLE 13

The American Republics whose coasts are washed by the waters of the sea and which possess a navy or mercantile marine, shall have the right to occupy an extent of the high sea contiguous to their respective territorial sea necessary for the establishment of the following more or less permanent installations, provided they are in the general interest:

1. Bases for non-military airships and dirigibles;
2. Wireless telegraph stations;
3. Stations for submarine cables;
4. Lighthouses;
5. Stations for scientific exploration;
6. Refuge stations for the shipwrecked.

ARTICLE 14

It is expressly forbidden to fortify the installations referred to in the preceding article and to use them, even indirectly, as bases of supply for warships, military airplanes and dirigibles, or for submarines.

ARTICLE 15

Outside the territorial sea and the contiguous zone the vessels of all countries shall enjoy absolute freedom and equality in navigation, transit, and fishing.

With the exception of the provisions of the present convention, no nation or group of nations can, under any pretext, lay claim to rights of sovereignty, of regulation, control, privileges, prerogatives, or restrictions on the high sea.

ARTICLE 16

In case of any violation of the provisions of the preceding article the interested republic shall be authorized to refer the matter to the Pan American Union, and to bring about an exchange of views.

ARTICLE 17

Exempt from local jurisdiction are:

1. Chiefs of foreign nations and their respective retinues;
2. Diplomatic agents, in accordance with the special convention relating thereto;
3. Foreign warships and military forces whose entrance has been permitted.

The immunity accorded to military forces does not apply to members in the military service of a country who visit a foreign nation.

AMERICAN INSTITUTE OF INTERNATIONAL LAW

Project No. 13

INTERNATIONAL RIGHTS AND DUTIES OF NATURAL AND JURIDICAL PERSONS

Whereas: 1. In view of the progress of thought and the development of international relations, natural and juridical persons, as well as international associations, shall possess universally recognized rights and be able to invoke these rights in every American Republic;

2. Such rights shall emanate from the constitutional provisions of said countries and the demands of public opinion;

For these reasons the American Republics have resolved to sign the following draft convention relative to the international rights of natural and juridical persons.

ARTICLE I

Every natural or juridical person enjoys upon the territory of each American Republic the following rights especially:

1. Freedom to enter into the territory of any American Republic and to dwell therein, provided the local laws and police regulations are observed, without prejudice to the laws of immigration and the right of expulsion;

2. The inviolability of property; that is, a person may not be deprived of his estate or any other inherited right without a judicial decision legally rendered and except in consideration of a just and previous indemnity;

3. The right to meet and associate together for objects not contrary to the constitution or laws of the country;

4. Freedom of the press;

5. Freedom of conscience;

6. Freedom of worship;

7. Freedom of commerce, navigation, and industry, provided the laws of each Republic are observed;

8. No foreigner may be judged by courts other than those recognized as competent by the law of the republic wherein he resides, said courts having been established prior to the commission of the offenses upon which they are to pass judgment; he may not be condemned without legal procedure and except in virtue of a law promulgated prior to the commission of the act of which he is accused, unless the new law is more favorable to him.

ARTICLE 2

The juridical persons recognized by one of the American Republics as of public utility, that is, those recognized by the government of these republics as beneficial to the country, by reason of this fact and without any other

formality, have a juridical character in all the other American Republics where such recognition of public service exists.

Universities having juridical personality in one of the American Republics possess it likewise in all the others.

AMERICAN INSTITUTE OF INTERNATIONAL LAW

Project No. 14

IMMIGRATION

Whereas: 1. Immigration is a factor of vital importance to the Republics of the American Continent, since it contributes to the growth of population;

2. This matter should therefore be regulated;

The American Republics have agreed to conclude the following convention:

SOLE ARTICLE

Every republic may determine, taking into consideration its local conditions, what persons or class of persons it will permit to enter its territory, and to whom it may eventually and at its discretion concede nationality.

AMERICAN INSTITUTE OF INTERNATIONAL LAW

Project No. 15

RESPONSIBILITY OF GOVERNMENTS

Whereas it is expedient to determine the responsibility of American Republics with regard to foreigners for damages for which they may suffer on the territory of those republics,

The latter have agreed to conclude the following convention:

ARTICLE 1

The government of each American Republic is obliged to maintain on its own territory the internal order and governmental stability indispensable to the fulfillment of international duties.

ARTICLE 2

As a consequence of the rule formulated in the preceding article, the governments of the American Republics are not responsible for damages suffered by foreigners, in their persons or in their property for any reason whatsoever, except when the said governments have not maintained order in the interior, have been negligent in the suppression of acts disturbing this order, or, finally, have not taken precautions so far as they were able to prevent the occurrence of such damages or injuries.

AMERICAN INSTITUTE OF INTERNATIONAL LAW

Project No. 16

DIPLOMATIC PROTECTION

Whereas the cases in which diplomatic claims may be made are matters interesting them in a special manner,

The American Republics have concluded the following convention:

ARTICLE 1

The American Republics do not recognize in favor of foreigners other obligations or responsibilities than those established for their own nationals in their constitutions, their respective laws, and the treaties in force.

ARTICLE 2

In accordance with the present convention, every American Republic has the right to accord diplomatic protection to its native or naturalized citizens.

The conditions under which an American Republic may grant diplomatic protection depend entirely on its internal legislation.

ARTICLE 3

Every nation has the right to accord diplomatic protection to its nationals in an American Republic in cases in which they do not have legal recourse to the authorities of the country, or if it can be proved that there has been denial of justice by the said authorities, undue delay, or violation of the principles of international law.

ARTICLE 4

Denial of justice exists—

(a) When the authorities of the country where the complaint is made interpose obstacles not authorized by law in the exercise by the foreigner of the rights which he claims;

(b) When the authorities of the country to which the foreigner has had recourse have disregarded his rights without legal reason, or for reasons contrary to the principles of law;

(c) When the fundamental rules of the procedure in force in the country have been violated and there is no further appeal possible.

ARTICLE 5

Every American Republic has the power to protect not only its own nationals but those of other countries when the latter have entrusted it with diplomatic representation or the supervision of their interests in the country where the claim is made.

ARTICLE 6

The American Republic to which the diplomatic claim is presented may decline to receive this claim when the person in whose behalf it is made has

interfered in internal or foreign political affairs against the government to which the claim is made. The republic may also decline if the claimant has committed acts of hostility toward itself.

ARTICLE 7

A diplomatic claim is not admissible when the individual in whose behalf it is presented is at the same time considered a national by the law of the country to which the claim is made, in virtue of circumstances other than those of mere residence in the territory.

ARTICLE 8

In order that a diplomatic claim may be admissible, the individual in whose behalf it is presented must have been a national of the country making the claim at the time of the occurrence of the act or event giving rise to the claim, and he must be so at the time the claim is presented.

ARTICLE 9

Every American Republic has the right to accord diplomatic protection not only to its nationals but also to the companies, corporations, or other juridical persons who, according to its laws, are of the nationality of the country.

ARTICLE 10

American Republics are expressly forbidden to protect their nationals through diplomatic channels when the rights involved have been acquired by means of a voluntary or forced cession made subsequent to the act giving rise to the claim.

ARTICLE 11

All controversies arising between American Republics regarding the admissibility of a diplomatic claim under the present convention shall be determined by arbitration or by the decision of an international court when not settled by direct negotiation.

AMERICAN INSTITUTE OF INTERNATIONAL LAW

Project No. 17

EXTRADITION¹

The American Republics . . . desiring to strengthen their friendly relations and promote the cause of law, have resolved to conclude the following convention for the extradition of fugitives who may be found within their respective jurisdictions:

ARTICLE 1

Extradition between the American Republics is obligatory.

ARTICLE 2

In order that extradition may be granted it shall be necessary—

(a) That the claimant nation have jurisdiction to prosecute and try the act on which the extradition is based.

(b) That the persons demanded be guilty, as principal or accomplice, of a violation of a penal law punishable in both nations with a penalty not under two years of imprisonment.

(c) That the demanding nation present documents which, in accordance with its laws, warrant the imprisonment of the person in question (Art. 13).

(d) That the violation or penalty be not barred by limitation according to the laws of one or the other nations.

(e) That the fugitive, if he has already been convicted, shall not yet have served his penalty.

ARTICLE 3

If the offense has been committed outside the territory of the demanding nation, the extradition shall not be granted unless the law of the nation of refuge authorizes, under identical conditions, punishment of the same offense when committed outside its territory.

ARTICLE 4

Extradition shall not be permitted—

(a) When the person whose extradition is requested is under prosecution or has already been tried or pardoned in the nation of refuge for the same offense.

(b) When it is a question of political crimes or others connected therewith (excepting the murder of heads of nations), or of crimes against religion, or of purely military offenses.

1. It shall be the duty of the requested nation to decide as to the political nature of an offense, taking into account the law which is most favorable to the fugitive.

¹ This project was drafted at Rio de Janeiro in 1912 by the International Commission of Jurists, and is printed in *Foreign Relations of the United States, 1912*, pp. 37-39.

2. Acts characterized as anarchy by the laws of both nations shall not be considered political crimes.

3. The surrender of naval or land deserters shall be optional, but it shall not be permissible for any nation to enlist the deserters from other nations in its armed forces, army, navy, or police.

ARTICLE 5

The nationality of the fugitive shall never constitute a hindrance to extradition. A nation which refuses to deliver up one of its citizens shall be obliged to prosecute and try him on its own territory, in accordance with its own law, and on the basis of such evidence as may be furnished if for this purpose by the demanding nation.

ARTICLE 6

The surrender of the fugitive shall be delayed as long as he is under penal prosecution for another cause in the nation of which the extradition is requested, but this fact shall not interfere with the progress of the extradition proceedings.

ARTICLE 7

Any civil obligations contracted by a person whose extradition is requested toward the nation of refuge shall not interfere with his surrender.

ARTICLE 8

If the act committed by a person demanded is subject to the death penalty, the nation of refuge may, before granting the extradition, demand that this penalty be commuted to that next below.

ARTICLE 9

When the extradition has been obtained the demanding nation shall not be allowed to hold the guilty party responsible for any other act than that on which his surrender was based, unless the demanded nation has previously consented to his being tried for other offenses, or unless it is a case of an offense connected therewith and based on the same evidence as that of the request.

ARTICLE 10

The provision of the foregoing article shall not comprise the case in which the extradited party himself freely and expressly consents to being tried for another act, or, after being set at absolute liberty, remains within the territory of the nation for a period exceeding one month, nor the case in which it is a question of offenses committed subsequently to the extradition.

ARTICLE 11

The demanding nation shall not, without the consent of the nation of refuge, deliver up the extradited party to a third nation demanding him, except in the cases contemplated in the foregoing article.

ARTICLE 12

If several nations request the extradition of the same person for the same act, the nation in whose territory the offense has been committed shall be given preferential attention; if the extradition is requested for different acts, the nation to be given preference shall be the one in which the gravest offense has been committed, in the opinion of the nation of refuge; or, if the acts are of equal gravity, the first nation to request extradition shall be given the preference. When all the requests are presented on the same day, that of prior date shall prevail; if all are of equal date, the nation requested shall determine the order to be followed. In all the cases contemplated by this article, except the first, the reextradition of the offender may be stipulated so that he may be subsequently delivered up to the other requesting nations.

ARTICLE 13

The extradition shall be requested through the diplomatic officers, and in the absence of the latter, through the consuls, or directly from government to government, the request being accompanied—

(a) By a copy of authentic transcript of the final sentence, together with proof that the criminal was summoned and represented at the trial or declared legally in default; or, if it is not a case of a convicted party, by a writ instituting criminal proceedings, issued by a judge or competent authority and formally decreeing or *ipso facto* effecting the subjection of the accused party to trial and substantiated by an authentic copy of the penal law applicable to the offense on which the request is based.

(b) By all the data and facts necessary in order to establish the identity of the person whose extradition is demanded. The documents required under (a) shall be issued in the form prescribed by the legislation of the demanding nation, and shall contain an accurate statement of the acts charged and of the place and date at which it was committed.

ARTICLE 14

In urgent cases the fugitive may, even by virtue of a telegraphic request, be placed under provisional arrest until the demanding nation presents to the requested nation, within the period to be fixed by the latter, and which shall not exceed two months, the formal request duly substantiated. All responsibility arising from the provisional detention shall be borne by the nation requesting the latter.

ARTICLE 15

When the documents accompanying the request are deemed insufficient or irregular, owing to form, the requested government shall return them in order that the deficiencies may be supplied or the defects corrected, and the party, if under arrest, shall remain under arrest until the period referred to in the foregoing article has expired.

ARTICLE 16

The request for extradition, as regards the formalities connected with it, the decision as to whether it shall be admitted, and the admission and weighing of any defense which may be made against it, shall, as far as is not contrary to the provisions of this code, be subject to the decision of the competent authorities of the nation of refuge, in accordance with the legislation of that nation. The right of the individual demanded to utilize the remedy of *habeas corpus* or *amparo* shall be guaranteed in all cases, as shall also the right to demand release on bail, provided the conditions prescribed by the law of the demanding nation are fulfilled.

ARTICLE 17

Together with the person claimed, or even subsequently, there shall be seized and delivered all articles found in his possession or deposited or hidden in the nation of refuge and which may have served in the perpetration of the punishable act or which may have been obtained by means of this act, as well as those which may serve as convicting evidence.

1. These articles shall be delivered up, even though because of the death or flight of the fugitive the extradition does not take place, provided it has already been granted. If it has not yet been granted, the proceedings shall continue for that purpose.

2. Articles seized and which are in the possession of third parties, or in the hands of the offender but belonging to third parties, shall not be surrendered unless the latter are heard and state whatever objections they may have, and the articles shall be restored to them, if they are entitled thereto, without any expense, upon the termination of the proceedings.

ARTICLE 18

The fugitive shall be taken by agents of the requested nation to the frontier of the latter, or to the port which is most appropriate for embarkation, and he shall there be delivered to the agents of the requesting nation.

ARTICLE 19

The transit of the extradited party through the territory of a third nation shall be permitted upon the mere exhibition of the original copy or an authentic transcript of the document granting the extradition, provided the offense is also punishable according to the laws of such third nation.

1. If the extradited party is a citizen of the third nation, the granting of the passage shall be optional.

2. The transit shall take place under the escort of agents of the third nation.

ARTICLE 20

The expenses of the extradition shall be borne by each nation within the limits of its territory. Those of transportation through intervening nations, or by sea, shall be borne by the requesting nation.

ARTICLE 21

A nation which secures the extradition of a person who has not been convicted shall be obliged to communicate the final sentence to the nation granting extradition, as rendered in the trial for which the extradition was requested.

ARTICLE 22

The extradition of persons accused of acts of anarchy may be requested, provided the legislation of both nations punishes such acts. In this case the extradition shall be granted, even if the penalty prescribed is less than two years of imprisonment.

ARTICLE 23

The person demanded may be restored to liberty and shall not be again arrested for the same cause if, after the extradition has been granted, the proper diplomatic or consular officer fails to send him to his destination within 20 days from the date on which he was placed at his disposal.

ARTICLE 24

Existing treaties shall remain in force so far as they are not contrary to the foregoing principles or afford greater facilities for extradition, especially as regards offenses which warrant extradition and as regards the preference in granting it when it is requested by several nations on the same date.

The nations may likewise conclude new agreements on extradition, provided they observe these conditions.

AMERICAN INSTITUTE OF INTERNATIONAL LAW

Project No. 18¹

FREEDOM OF TRANSIT

The American Republics . . .

Desirous of making provision to secure and maintain freedom of communications and of transit;

Recognizing that it is well to proclaim the right of free transit and to make regulations to that end as an appropriate means of developing coöperation between nations without prejudice to their rights of sovereignty or authority over routes available for transit.

ARTICLE 1

Persons, baggage, and goods, and also vessels, coaching and goods stock, and other means of transport, shall be deemed to be in transit across territory under the sovereignty or authority of one of the American Republics, when the passage across such territory, with or without transshipment, warehousing, breaking bulk, or change in the mode of transport is only a portion of a complete journey, beginning and terminating beyond the frontier of the nation across whose territory the transit takes place.

Traffic of this nature is termed in this convention "traffic in transit."

ARTICLE 2

Subject to the other provisions of this convention, the measures of regulation and administration in respect of transport taken by the American Republics across territory under their sovereignty or authority shall facilitate free transit by rail or waterway on routes in use convenient for international transit. No distinction shall be made which is based on the nationality of persons, the flag of vessels, the place of origin, departure, entry, exit, or destination, or on any circumstances relating to the ownership of goods or of vessels, coaching or goods stock or other means of transport.

In order to insure the application of the provisions of this article, the American Republics will allow transit in accordance with the customary conditions and reserves across their territorial waters.

ARTICLE 3

Traffic in transit shall not be subject to any special dues in respect of transit (including entry and exit). Nevertheless, on such traffic in transit there may be levied dues intended solely to defray expenses of supervision and administration entailed by such transit. The rate of any such dues must correspond as nearly as possible with the expenses which they are

¹ Adapted from Convention on Freedom of Transit signed at Barcelona, April 20, 1921 (printed in Supplement to the AMERICAN JOURNAL OF INTERNATIONAL LAW, Vol. 18, pp. 118-127).

intended to cover, and the dues must be imposed under the conditions of equality laid down in the preceding article, except that on certain routes such dues may be reduced or even abolished on account of differences in the cost of supervision.

ARTICLE 4

The American Republics undertake to apply to traffic in transit on routes operated or administered by the nation or under concession, whatever may be the place of departure or destination of the traffic, tariffs which, having regard to the conditions of the traffic and to considerations of commercial competition between routes, are reasonable as regards both their rates and the method of their application. These tariffs shall be so fixed as to facilitate international traffic as much as possible. No charges, facilities, or restrictions shall depend, directly or indirectly on the nationality or ownership of the vessel or other means of transport on which any part of the complete journey has been or is to be accomplished.

ARTICLE 5

No American Republic shall be bound by this convention to afford transit for passengers whose admission into its territories is forbidden, or for goods of a kind of which the importation is prohibited, either on grounds of public health or security or as a precaution against diseases of animals or plants.

Each American Republic shall be entitled to take reasonable precautions to insure that persons, baggage, and goods, particularly goods which are the subject of a monopoly, and also vessels, coaching and goods stock, and other means of transport, are really in transit, as well as to insure that passengers in transit are in a position to complete their journey, and to prevent the safety of the routes and means of communication being endangered.

Nothing in this convention shall affect the measures which one of the American Republics may feel called upon to take in pursuance of general international conventions to which it is a party, or which may be concluded hereafter, relating to the transit, export, or import of particular kinds of articles, such as opium or other dangerous drugs, arms, or the produce of fisheries, or in pursuance of general conventions intended to prevent any infringement of industrial, literary, or artistic property, or relating to false marks, false indications of origin, or other methods of unfair competition.

Any haulage service established as a monopoly on waterways used for transit must be so organized as not to hinder the transit of vessels.

ARTICLE 6

This convention does not of itself impose on any of the American Republics a fresh obligation to grant freedom of transit to the nationals and their baggage, or to the flag of a non-contracting nation, nor to the goods, nor to the coaching and goods stock, or other means of transport coming or entering

from, or leaving by, or destined for, a non-contracting nation, except when a valid reason is shown for such transit by one of the other American Republics concerned. It is understood that for the purpose of this article, goods in transit under the flag of an American Republic shall, if no transshipment takes place, benefit by the advantages granted to that flag.

ARTICLE 7

The measures of a general or particular character which an American Republic is obliged to take in case of an emergency affecting the safety of the nation or the vital interests of the country may in exceptional cases, and for as short a period as possible, involve a deviation from the provisions of the above articles; it being understood that the principles of freedom of transit must be observed to the utmost possible extent.

ARTICLE 8

This convention does not prescribe the rights and duties of belligerents and neutrals in time of war. The convention shall, however, continue in force in time of war so far as such rights and duties permit.

ARTICLE 9

The coming into force of this convention will not abrogate treaties, conventions, and agreements on questions of transit concluded by the American Republics before the date of the signature of this convention.

In consideration of such agreements being kept in force, the American Republics undertake, either on the termination of the agreement or when circumstances permit, to introduce into agreements so kept in force which contravene the provisions of this convention the modifications required to bring them into harmony with such provisions, so far as the geographical, economic, or technical circumstances of the countries or areas concerned allow.

ARTICLE 10

This convention does not entail in any way the withdrawal of facilities which are greater than those provided for in the convention and have been granted, under conditions consistent with its principles, to traffic in transit across territory under the sovereignty or authority of an American Republic. The convention also entails no prohibitions of such grant of greater facilities in the future.

AMERICAN INSTITUTE OF INTERNATIONAL LAW

Project No. 19

NAVIGATION OF INTERNATIONAL RIVERS

The American Republics, desirous of establishing the principles of American international law which shall regulate the navigation of international rivers, in order to secure uniformity in practice and to foster reciprocal commercial relations, have agreed upon the following convention:

ARTICLE 1

An international river is one whose navigable part crosses the territory of two or more nations or is a boundary between them.

ARTICLE 2

International rivers shall be open in time of peace to the merchant vessels of the contracting republics.

ARTICLE 3

The republics whose territories are bathed by an international river shall regulate by common accord and in the general interest all questions relative to the navigation of the said river.

ARTICLE 4

The navigable tributaries of international rivers are subject in all respects to the same regulations as the rivers to which they are tributary.

ARTICLE 5

The tolls for navigation collected along international rivers shall be expended exclusively for the maintenance of the navigability of these rivers and for the improvement of their navigation in general.

AMERICAN INSTITUTE OF INTERNATIONAL LAW

Project No. 20

AERIAL NAVIGATION¹

The American Republics . . . recognizing the progress of aerial navigation, and that the establishment of regulations of universal application will be in the general interest;

Appreciating the necessity of early agreement upon certain principles and rules calculated to prevent controversy;

Desiring to encourage the peaceful intercourse of Nations by means of aerial communication;

Have determined for these purposes to conclude the following Convention:

CHAPTER I

GENERAL PRINCIPLES

ARTICLE 1

The American Republics recognize that every nation has complete and exclusive sovereignty over the air space above its territory.

ARTICLE 2

Each American Republic undertakes in time of peace to accord freedom of innocent passage above its territory to the aircraft of the other American Republics, provided that the conditions laid down in the present convention are observed.

Regulations made by an American Republic as to the admission over its territory of the aircraft of the other American Republics shall be applied without distinction of nationality.

ARTICLE 3

Each American Republic is entitled, for military reasons or in the interest of public safety, to prohibit the aircraft of the other American Republics, under the penalties provided by its legislation and subject to no distinction being made in this respect between its private aircraft and those of the other American Republics, from flying over certain areas of its territory.

In that case the locality and the extent of the prohibited areas shall be published and notified beforehand to the other American Republics.

ARTICLE 4

Every aircraft which finds itself above a prohibited area shall, as soon as aware of the fact, give the signal of distress provided in paragraph 17 of

¹ Adapted from the Convention for the Regulation of Aerial Navigation, signed at Paris, October 13, 1919 (printed in Supplement to the AMERICAN JOURNAL OF INTERNATIONAL LAW, Vol. 17, pp. 195-215).

Annex (D)¹ and land as soon as possible outside the prohibited area at one of the nearest aërodromes of the nation unlawfully flown over.

CHAPTER II

NATIONALITY OF AIRCRAFT

ARTICLE 5

No American Republic shall, except by a special and temporary authorization, permit the flight above its territory of an aircraft which does not possess the nationality of an American Republic.

ARTICLE 6

Aircraft possess the nationality of the nation on the register of which they are entered, in accordance with the provisions of section I (c) of Annex (A).¹

ARTICLE 7

No aircraft shall be entered on the register of one of the American Republics unless it belongs wholly to nationals of such nations.

No incorporated company can be registered as the owner of an aircraft unless it possesses the nationality of the nation in which the aircraft is registered, unless the president of the board of directors of the company and at least two-thirds of the directors possess such nationality, and unless the company fulfills all other conditions which may be prescribed by the laws of the said nation.

ARTICLE 8

An aircraft can not be validly registered in more than one nation.

ARTICLE 9

The American Republics shall exchange every month among themselves and transmit to the Pan American Union copies of registrations and of cancellations of registration which shall have been entered on their official registers during the preceding month.

ARTICLE 10

All aircraft engaged in international navigation shall bear their nationality and registration marks as well as the name and residence of the owner in accordance with Annex (A).

¹ The annexes herein referred to are those of the Paris Convention of Oct. 13, 1919. Owing to their detailed technical character, they are not reproduced herein. They are printed in full in the League of Nations Treaty Series, Vol. XI, pp. 243-274.

CHAPTER III

CERTIFICATES OF AIRWORTHINESS AND COMPETENCY

ARTICLE 11

Every aircraft engaged in international navigation shall, in accordance with the conditions laid down in Annex (B), be provided with a certificate of airworthiness issued or rendered valid by the nation whose nationality it possesses.

ARTICLE 12

The commanding officer, pilots, engineers, and other members of the operating crew of every aircraft shall, in accordance with the conditions laid down in Annex (E), be provided with certificates of competency and licenses issued or rendered valid by the nation whose nationality the aircraft possesses.

ARTICLE 13

Certificates of airworthiness and of competency and licenses issued or rendered valid by the nation whose nationality the aircraft possesses, in accordance with the regulations established by Annex (B) and Annex (E) and hereafter adopted on the recommendation of the Pan American Union, shall be recognized as valid by the other nations.

Each nation has the right to refuse to recognize for the purpose of flights within the limits of and above its own territory certificates of competency and licenses granted to one of its nationals by another American Republic.

ARTICLE 14

No wireless apparatus shall be carried without a special license issued by the nation whose nationality the aircraft possesses. Such apparatus shall not be used except by members of the crew provided with a special license for the purpose.

Every aircraft used in public transport and capable of carrying 10 or more persons shall be equipped with sending and receiving wireless apparatus when the methods of employing such apparatus shall have been determined upon the recommendation of the Pan American Union.

The Pan American Union may later recommend the extension of the obligation of carrying wireless apparatus to all other classes of aircraft in the conditions and according to the methods which it may determine.

CHAPTER IV

ADMISSION TO AIR NAVIGATION ABOVE FOREIGN TERRITORY

ARTICLE 15

Every aircraft of an American Republic has the right to cross the air space of another nation without landing. In this case it shall follow the route

fixed by the nation over which the flight takes place. However, for reasons of general security it will be obliged to land if ordered to do so by means of signals provided in Annex (D).

Every aircraft which passes from one nation into another shall, if the regulations of the latter nation require it, land in one of the aërodromes fixed by the latter. Notification of these aërodromes shall be given by the American Republics to the Pan American Union and by it transmitted to all the American Republics.

The establishment of international airways shall be subject to the consent of the nations flown over.

ARTICLE 16

Every American Republic shall have the right to establish reservations and restrictions in favor of its national aircraft in connection with the carriage of persons and goods for hire between two points on its territory.

Such reservations and restrictions shall be immediately published, and shall be communicated to the Pan American Union, which shall notify them to the other American Republics.

ARTICLE 17

The aircraft of an American Republic which establishes reservations and restrictions in accordance with Article 16 may be subjected to the same reservations and restrictions in any other American Republic, even though the latter nation does not itself impose the reservations and restrictions on other foreign aircraft.

ARTICLE 18

Every aircraft passing through the territory of an American Republic, including landing and stoppages reasonably necessary for the purpose of such transit, shall be exempt from any seizure on the ground of infringement of patent, design, or model, subject to the deposit of security, the amount of which in default of amicable agreement shall be fixed with the least possible delay by the competent authority of the place of seizure.

CHAPTER V

RULES TO BE OBSERVED ON DEPARTURE, WHEN UNDER WAY, AND ON LANDING

ARTICLE 19

Every aircraft engaged in international navigation shall be provided with:

- (a) A certificate of registration in accordance with Annex (A);
- (b) A certificate of airworthiness in accordance with Annex (B);
- (c) Certificates and licenses of the commanding officer, pilots, and crew in accordance with Annex (E);
- (d) If it carries passengers, a list of their names;

- (e) If it carries freight, bills of lading and manifest;
- (f) Log books in accordance with Annex (C);
- (g) If equipped with wireless, the special license prescribed by Article 14.

ARTICLE 20

The log books shall be kept for two years after the last entry.

ARTICLE 21

Upon the departure or landing of an aircraft, the authorities of the country shall have, in all cases, the right to visit the aircraft and to verify all the documents with which it must be provided.

ARTICLE 22

Aircraft of the American Republics shall be entitled to the same measures of assistance for landing, particularly in case of distress, as national aircraft.

ARTICLE 23

With regard to the salvage of aircraft wrecked at sea, the principles of maritime law will apply in the absence of any agreement to the contrary.

ARTICLE 24

Every aërodrome in an American Republic, which upon payment of charges is open to public use by its national aircraft, shall likewise be open to the aircraft of all the other American Republics.

In every such aërodrome there shall be a single tariff of charges for landing and length of stay applicable alike to national and foreign aircraft.

ARTICLE 25

Each American Republic undertakes to adopt measures to insure that every aircraft flying above the limits of its territory and every aircraft wherever it may be, carrying its nationality mark, shall comply with the regulations contained in Annex (D).

Each of the American Republics undertakes to insure the prosecution and punishment of all persons contravening these regulations.

CHAPTER VI

PROHIBITED TRANSPORT

ARTICLE 26

The carriage by aircraft of explosives and of arms and munitions of war is forbidden in international navigation. No foreign aircraft shall be permitted to carry such articles between any two points in the same American Republic.

ARTICLE 27

Each nation may, in aerial navigation, prohibit or regulate the carriage or use of photographic apparatus. Any such regulations shall be at once notified to the Pan American Union, which shall communicate this information to the other American Republics.

ARTICLE 28

As a measure of public safety, the carriage of objects other than those mentioned in Articles 26 and 27 may be subjected to restrictions by any American Republic. Any such regulations shall be at once notified to the Pan American Union, which shall communicate this information to the other American Republics.

ARTICLE 29

All restrictions mentioned in Article 28 shall be applied equally to national and foreign aircraft.

CHAPTER VII

STATE AIRCRAFT

ARTICLE 30

The following shall be deemed to be state aircraft:

- (a) Military aircraft.
- (b) Aircraft exclusively employed in state service, such as posts, customs, and police.

Every other aircraft shall be deemed to be a private aircraft.

All state aircraft other than military, customs, and police aircraft shall be treated as private aircraft and as such shall be subject to all the provisions of the present convention.

ARTICLE 31

Every aircraft commanded by a person in military service detailed for the purpose shall be deemed to be a military aircraft.

ARTICLE 32

No military aircraft of an American Republic shall fly over the territory of another American Republic nor land thereon without special authorization. In case of such authorization the military aircraft shall enjoy, in principle, in the absence of special stipulation, the privileges which are customarily accorded to foreign ships of war.

A military aircraft which is forced to land or which is requested or summoned to land shall by reason thereof acquire no right to the privileges referred to in the above paragraph.

ARTICLE 33

Special arrangements between the nations concerned will determine in what cases police and customs aircraft may be authorized to cross the

frontier. They shall in no case be entitled to the privileges referred to in Article 32.

CHAPTER VIII

THE FUNCTIONS OF THE PAN AMERICAN UNION

ARTICLE 34

The Pan American Union shall:

(a) Receive proposals from or make proposals to any of the American Republics for the modification or amendment of the provisions of the present convention and notify changes adopted.

(b) Carry out the duties imposed upon it by the present convention.

(c) Recommend the amendment of the provisions of the Annexes (A) to (G).

(d) Collect and communicate to the American Republics information of every kind concerning international air navigation.

(e) Collect and communicate to the American Republics all information relating to wireless telegraphy, meteorology, and medical science which may be of interest to air navigation.

(f) Insure the publication of maps for air navigation in accordance with the provisions of Annex (F).

(g) Give its opinion on questions which the nations may submit for examination.

Any proposed modification of the articles of the present convention shall be examined by the Pan American Union, whether it originates with one of the American Republics or with the Union itself. No such modification shall be proposed for adoption by the American Republics unless it shall have been approved by at least two-thirds of the members of the Governing Board of the Pan American Union.

All such modifications of the articles of the convention and annexes must be formally adopted by the American Republics before they become effective.

CHAPTER IX

FINAL PROVISIONS

ARTICLE 35

The American Republics undertake, as far as they are respectively concerned, to cooperate as far as possible in international measures concerning:

(a) The collection and dissemination of statistical, current, and special meteorological information in accordance with the provisions of Annex (G).

(b) The publication of standard aeronautical maps and the establishment of a uniform system of ground marks for flying, in accordance with the provisions of Annex (F).

(c) The use of wireless telegraphy in air navigation, the establishment of the necessary wireless stations, and the observance of international wireless regulations.

ARTICLE 36

General provisions relative to customs in connection with international air navigation are the subject of a special agreement contained in Annex (H)¹ to the present convention.

Nothing in the present convention shall be construed as preventing the American Republics from concluding, in conformity with its principles, special protocols as between nation and nation in respect of customs, police, posts, and other matters of common interest in connection with air navigation. Any such protocols shall be at once notified to the Pan American Union, which shall communicate this information to the other American Republics.

ARTICLE 37

In case of war the provisions of the present convention shall not affect the freedom of action of the American Republics either as belligerents or as neutrals.

ARTICLE 38

The provisions of the present convention are completed by the Annexes (A) to (H), which, subject to Article 34 (c), shall have the same effect and shall come into force at the same time as the convention itself.

¹ Reproduced in Supplement to the AMERICAN JOURNAL OF INTERNATIONAL LAW, Vol. 17, pp. 208-212.

AMERICAN INSTITUTE OF INTERNATIONAL LAW

Project No. 21

TREATIES

The American Republics . . . desiring to determine the principles and rules of international law applicable to treaties, have agreed upon the following articles:

ARTICLE 1

All the contracting nations have complete capacity to negotiate treaties and conventions of all kinds soever, according to the form and conditions contained in their respective national laws.

ARTICLE 2

Nations conclude treaties by means of representatives duly appointed by them for a general or special purpose. The credentials of the representatives determine the scope of their powers and are the evidence to the other contracting parties of the existence, nature, and extent of those powers.

The credentials of the representatives must be accepted by the other contracting parties. Treaties customarily declare that the credentials of the representatives have been found to be in good and due form.

ARTICLE 3

As a general rule the right of ratification is understood to be reserved.

Treaties must be submitted to the authorities of the respective countries which possess the right to approve and to ratify them.

From the date of the exchange of ratifications the treaty is binding for each of the contracting parties, in the absence of a stipulation to the contrary.

ARTICLE 4

Every amendment, modification, or addition to the text of a treaty is a new proposal binding only upon the express acceptance of the other contracting parties.

The party which ratifies a treaty may make reservations upon ratification, but these do not bind the other contracting parties without their consent.

Refusal to ratify a treaty or an amendment thereto, a modification of the text or a reservation, is a right of the contracting nations and must not be considered as an unfriendly act by the other parties.

ARTICLE 5

Treaties must be executed in good faith and can not be modified except by an amicable agreement of the parties which have signed them.

ARTICLE 6

A treaty is ended by the fulfillment of the obligations for which it was negotiated, by the expiration of the time for which it was made, by the disappearance of any one of the contracting parties, subject to the rights of international succession, or by renunciation on the part of the nation in whose favor the obligation was created.

AMERICAN INSTITUTE OF INTERNATIONAL LAW

Project No. 22

DIPLOMATIC AGENTS

Whereas: 1. The matter of the rights and duties of diplomatic agents is an important one in the life of nations;

2. This matter should be regulated in accordance with the new conditions of political, economic, and international life of the nations;

The American Republics have decided to conclude the following convention:

ARTICLE 1

The American Republics, desiring to maintain close coöperation between them, engage reciprocally to receive their official representatives or diplomatic agents.

SECTION I

HEADS OF MISSION

ARTICLE 2

Diplomatic representatives are classed as ordinary and extraordinary.

Those permanently representing the government of one of the republics in its relations with the government of another are ordinary.

Those intrusted by their governments with a special mission to another government, or accredited to represent them in international conferences or congresses, are extraordinary.

ARTICLE 3

The diplomatic agents of the American Republics do not in any case represent the head of the nation. They represent only their government and should be accredited to a legally recognized government. In federal nations the central government alone can appoint diplomatic agents.

ARTICLE 4

All diplomatic agents possess the same official character and the same prerogatives and immunities. There are no differences between them except those of rank or etiquette.

Rank is conferred by the government which the agent represents, in accord with the government to which he is accredited.

Etiquette depends upon diplomatic usages in general and the laws and regulations of the country to which the agent is accredited.

ARTICLE 5

In addition to the functions indicated in their powers, ordinary agents possess the authority conferred upon them by the laws or decrees of their

respective countries. They should exercise their authority without coming into conflict with the laws of the country to which they are accredited.

ARTICLE 6

Governments may accredit only one ordinary representative to each of the other governments, but they may appoint several extraordinary representatives.

ARTICLE 7

In principle the ordinary diplomatic agent may represent only one nation before another government. However, several nations may agree to be represented by the same agent. An ordinary diplomatic agent may be accredited by the same nation to various governments.

ARTICLE 8

A diplomatic agent, duly authorized by his government, may at the request of another, and with the authorization of the local government, undertake in the country where he is accredited the temporary or incidental protection of the interests of the said nation which is not represented there by an ordinary agent.

ARTICLE 9

A national of the country in which his functions are to be exercised can not be appointed a diplomatic agent without the consent of his government.

ARTICLE 10

No nation may appoint an ordinary diplomatic representative to another nation without having previously obtained the approval of the latter.

The nation which lets it be known that the person proposed is not acceptable to it is not obliged to state reasons therefor.

ARTICLE 11

Extraordinary diplomatic agents are accredited in the same manner as ordinary agents and have the same prerogatives and immunities.

SECTION II

THE PERSONNEL OF LEGATIONS

ARTICLE 12

Each legation shall have the personnel determined by its government.

ARTICLE 13

When the diplomatic agent is absent from the place where he exercises his functions, or is unable to fill them, the person designated for the purpose by his government shall take his place as *chargé d'affaires ad interim*.

SECTION III

SPECIAL AGENTS

ARTICLE 14

Agents appointed by a government to carry out, alone or together with others, a special mission within or outside of the country, such as defense of the country before an arbiter, delimitation of boundaries, investigations, mixed commissions, and claims, as well as arbitrators appointed to settle a dispute, shall enjoy in the country where those functions are exercised, and throughout their duration, the same diplomatic immunities and prerogatives as ordinary agents.

ARTICLE 15

The members of permanent international tribunals created by international agreement shall have, in all the American Republics, the immunities and prerogatives enjoyed by the diplomatic agents.

It shall be the same with international functionaries—that is, those appointed by the Pan American Union or by other associations of nations to exercise the functions confided to them.

Those functionaries shall enjoy personal inviolability, even when they exercise their functions in their own country.

SECTION IV

DUTIES OF DIPLOMATIC AGENTS

ARTICLE 16

Foreign diplomatic agents may not interfere in the internal or external political life of the nation where they discharge their functions.

ARTICLE 17

Diplomatic agents, in their official communications, should address themselves directly to the Minister of Foreign Affairs of the country to which they are accredited, and it is through him also that they shall address the other authorities of the country.

ARTICLE 18

Neither the diplomatic agent of a republic nor the Minister of Foreign Affairs of the country to which he is accredited may publish the official correspondence exchanged between them without their reciprocal consent.

Governments may, however, publish the official correspondence with their own diplomatic agents when they consider it advisable.

SECTION V

IMMUNITIES AND PREROGATIVES OF DIPLOMATIC AGENTS

ARTICLE 19

Diplomatic agents shall enjoy inviolability as to their person, their residence, both private and official, and their property.

ARTICLE 20

Nations should accord the diplomatic agents accredited to them every facility for the exercise of their functions. They should especially see to it that the latter are able to communicate freely with their respective governments.

Moreover, they should protect them by establishing in their laws special sanctions with regard to offenses, injuries, or violence committed against them.

ARTICLE 21

No public judicial or administrative officer of the country to which the agent is accredited may enter the domicile of the latter, or the legation, without the consent of the said agent.

The diplomatic archives are inviolable.

ARTICLE 22

The diplomatic agent is obliged to surrender to the competent local authority any individual pursued for crime or misdemeanor under the law of the country to which he is accredited, who may have taken refuge in the house occupied by the agent or in that of the legation. Should the agent refuse to surrender him, the local authority has the right to guard the house of the agent or of the legation until the government of the agent decides upon the attitude which he will take.

ARTICLE 23

The private residence of the agent and that of the legation shall not enjoy the so-called privilege of extritoriality.

However, legal acts executed in the places mentioned by diplomatic agents in the exercise of their functions shall be subject, as to form, to the legislative provisions of the country which they represent.

ARTICLE 24

Diplomatic agents shall be exempt in the country where they are accredited:

1. From all personal taxes, either national or local.
2. From all land taxes on the legation building.
3. From custom duties on objects destined for their personal use or that of their family, up to a sum determined by the government of the country to which they are accredited.

ARTICLE 25

Diplomatic agents shall be exempt from the civil or criminal jurisdiction of the nation to which they are accredited. They can not be prosecuted in civil or criminal matters except in the courts of their own countries.

ARTICLE 26

When a diplomatic agent has ceased to exercise his functions, for any reason whatsoever, the exemption from local jurisdiction continues with respect to legal actions relating to the exercise of his functions.

ARTICLE 27

A diplomatic agent shall not be exempt from local jurisdiction even during the exercise of his functions:

1. For real actions, including possessory actions, relative to immovable property situated in the territory where the agent is accredited, and which is neither the house he occupies nor that of the legation.

2. For actions connected with his capacity as heir or legatee of an estate settled on the territory of the country to which the diplomatic agent is accredited.

3. For actions resulting from contracts executed by the diplomatic agent which do not refer to the seat or furnishings of the legation, if it has been expressly stipulated that the obligation must be fulfilled in the country where the agent is accredited.

4. In case of waiver of diplomatic immunity, which, however, can not occur without the consent of the government which the agent represents.

ARTICLE 28

The diplomatic agent may refuse to appear as a witness before the courts of the country to which he is accredited.

In case the evidence should be necessary, it should be requested in writing and through the diplomatic channel.

ARTICLE 29

The inviolability of the diplomatic agent and his exemption from local jurisdiction shall begin from the moment he crosses the frontier of the nation where he is to exercise his functions; they shall terminate the moment he leaves the said territory.

The diplomatic agent who, in going to take possession of his post or in returning therefrom, crosses the territory of an American Republic or is accidentally there during the exercise of his functions shall enjoy in that territory the personal immunity and immunity from jurisdiction referred to in the preceding articles.

ARTICLE 30

The inviolability of diplomatic agents, the exemption from taxes and jurisdiction, as well as the other immunities which they enjoy and to which

the preceding articles relate, also extend to all those who form part of the official personnel of the diplomatic mission, and to the members of their families who live with them. The exemption from local jurisdiction extends likewise to their servants; but if the latter belong to the country where the mission resides, they shall not enjoy such privilege except when they are in the legation building.

ARTICLE 31

In case of death of the diplomatic agent his family shall retain diplomatic inviolability and immunity for a reasonable period, which shall be fixed by the government to which the agent is accredited.

SECTION VI

TERMINATION OF THE DIPLOMATIC MISSION

ARTICLE 32

The mission of the diplomatic agent shall terminate—

1. At the expiration of the period fixed for the accomplishment of the mission.
2. By the conclusion or solution of the matter if the mission may have been created for a particular question.
3. By official notification given by the government of the agent to the government to which he is accredited of the termination of his functions.
4. By the delivery of passports to the agent by the government to which he is accredited.
5. By the request for his passports addressed by the agent to the government to which he is accredited.
6. By declaration of war between the nation to which the agent belongs and that to which he is accredited.

In these last three cases a reasonable period shall be allowed the agent and his family in which to quit the territory of the country.

It shall be, moreover, a duty of the government to which the agent is accredited to see that during that time he and his family, as well as the official personnel of the legation, are not disturbed or harmed as to their persons or property.

The death or resignation of the head of the nation to which the agent belongs, or to which he is accredited, or a change of government or of political régime of said countries, shall not in itself terminate the mission of the diplomatic agent.

AMERICAN INSTITUTE OF INTERNATIONAL LAW

Project No. 23

CONSULS

The American Republics . . . considering it well, in conformity with the requirements of economic life, to regulate the questions relating to consular agents, have decided to conclude the following convention:

ARTICLE 1

The American Republics agree to receive consular officers in any part of their respective territories except in those localities where they do not consider it expedient to do so.

ARTICLE 2

Consular agents should, before entering upon the performance of their duties, obtain the exequatur from the government of the republic to which they have been assigned unless the said government has, at the request of the respective legation, granted a provisional recognition.

ARTICLE 3

The different classes of consular agents, their rank and duties, are determined by the republic which appoints them, so far as this is not incompatible with the laws of the country where the consular officer exercises his functions.

As to ceremonial, they shall be subject to the provisions of the law of the country of their residence.

ARTICLE 4

Consular agents shall exercise their functions in accordance with the laws of the country to which they are accredited. The powers of consuls and the exercise of their functions shall be regulated by the respective countries according to custom or by special conventions.

ARTICLE 5

In the exercise of their functions, consular agents shall address themselves officially to the local administrative authorities. If the said authorities do not heed their requests, the consular agents shall bring the fact to the knowledge of the diplomatic agent of their own country or, in his absence, to the competent authority of their country, in order that such diplomatic action may be taken as shall be deemed suitable.

ARTICLE 6

Consular agents shall be subject to the local authorities in all matters which do not fall within the exercise of their functions and within the limits of their competence.

Persons who may have suffered injuries by acts of a consular agent in his

character as such should present their complaints to the government of the republic in which the consul resides. This government, if it considers it advisable, will make the proper diplomatic representation.

ARTICLE 7

When in a civil case a court of one of the American Republics shall desire to receive a judicial declaration or deposition of a consular agent who is a citizen of the nation which appointed him, and who is engaged in no commercial business, it shall request him in writing to appear before it, and in case of his inability to do so it shall request him to give his testimony in writing, or shall visit his residence or office to obtain it orally, and it shall be the duty of said agent to comply with this request with as little delay as possible; but in all criminal cases in which the right is secured to persons charged with crimes to obtain witnesses in their favor, the appearance in court of said consular officer shall be required, with all possible regard to the consular dignity and to the duties of his office, and it shall be the duty of such officer to comply with said requirement.

ARTICLE 8

The consular offices are inviolable, and in no case can the local authorities enter without permission of the chief of the office, or examine or seize the papers there deposited. Nor shall consular agents be required to produce the official archives in court or to testify as to their contents except in matters of private interest.

If a fugitive from justice takes refuge in a consulate, the consul is bound to hand him over on the simple demand of the authorities.

When a consular agent is engaged in other business, the papers relating to the consulate shall be kept separate.

ARTICLE 9

In case of death, incapacity, or absence of consular agents, their chancellors or secretaries, whose official character may have previously been made known to the foreign office, may temporarily exercise their functions, and while thus acting shall enjoy all the rights, prerogatives, and immunities granted to the incumbent.

ARTICLE 10

Consular agents may place over the outer door of their offices the shield of their nation.

ARTICLE 11

The functions of consular agents shall cease:

1. By virtue of an official communication of the government which has appointed him that his functions are terminated;
2. By the withdrawal of the exequatur given by the government of the country where the consul resides.

AMERICAN INSTITUTE OF INTERNATIONAL LAW

Project No. 24

EXCHANGE OF PUBLICATIONS

Whereas, in order to strengthen the bonds of friendship and coöperation uniting them, it would be very useful to assure a regular reciprocal exchange of all publications appearing in their territories, especially those of an official character,

The American Republics have agreed to conclude the following convention:

ARTICLE 1

The Governments of the American Republics bind themselves to furnish one another, as well as the Pan American Union, two copies of each of the following official publications:

- (a) Parliamentary, administrative, and statistical documents which may be published by each one of them.
- (b) Works of all kinds published or subsidized by them.
- (c) Geographic maps, general as well as special; topographic maps, and every other kind of work of that nature.

ARTICLE 2

Each government shall make as complete a collection as possible of the works published by it, especially publications relating to its history, statistics, and geography, and shall send it to the other Governments of America and to the Pan American Union, in conformity with the preceding article.

ARTICLE 3

As each receives the works sent by the others it shall announce the fact so that they may be consulted in its office or library.

ARTICLE 4

So far as the Universal Postal Union Convention permits, the American Republics shall declare the above-mentioned exchange of publications to be postage free, as well as the official correspondence relating thereto.

AMERICAN INSTITUTE OF INTERNATIONAL LAW

Project No. 25

INTERCHANGE OF PROFESSORS AND STUDENTS

Whereas it is very useful, in order to strengthen the ties of coöperation and solidarity which unite all the Republics of the New World, to have interchanges of professors and students between universities, preparatory schools, or colleges.

The said republics have decided to regulate these subjects by means of the following convention:

ARTICLE 1

The universities, preparatory schools, and colleges existing in the different American Republics, whether of official character or private initiative, may establish between them interchanges of professors and students on the following bases:

(a) The institutions mentioned shall grant all necessary facilities in order that the professors whom they receive from one another may hold classes or lectures.

(b) These classes or lectures shall treat chiefly of scientific matters which are of interest to America, or which relate to special conditions of one or more countries of America, particularly that to which the professor belongs.

(c) Every year the institutions mentioned shall communicate to those with whom they desire to make an interchange of professors the subjects to be treated of in their classes by foreign professors.

(d) The remuneration of the professor shall be paid by the institution which has appointed him, unless his services shall have been expressly requested by the one which invited him; in such case his remuneration shall be borne by the latter.

(e) The institutions shall determine annually the amount intended to cover the expenses of the interchange of professors, either from their own budget or by requesting it from their government.

ARTICLE 2

The universities, preparatory schools, or colleges, both official and unofficial, of the American Republics shall endeavor to create in their establishments scholarships in favor of students of other republics of the continent, with or without reciprocity, adopting, directly or through their governments, the necessary measures for the distribution of those scholarships.

The institutions which create said scholarships shall appoint a committee charged to supervise the scholarship students, to direct them in their studies and to decide on the measures necessary to the due performance of their obligations.

ARTICLE 3

The universities of America, both private and official, shall endeavor to meet periodically in congresses, in order to establish better means of American intellectual coöperation.

AMERICAN INSTITUTE OF INTERNATIONAL LAW

Project No. 26

MARITIME NEUTRALITY

Whereas: 1. It is essential to the maintenance of peace to regulate the matter of neutrality, especially maritime neutrality;

2. All nations are equally interested in having their rights in regard thereto respected, and consequently it is possible to reach an agreement for the protection of those rights;

3. It is necessary to safeguard especially commercial freedom and to relieve neutrals of the useless burden and responsibilities under which they labor to-day in the observance of maritime neutrality;

4. The solidarity uniting all the members of the community of nations requires this new conception of neutrality;

For these reasons, the American Republics have signed the following convention on maritime neutrality:

SECTION I

GENERAL DECLARATION

ARTICLE 1

In case of war between two or more countries, the American Republics consider it a duty to remain neutral and to contribute to ending the dispute by the offer of good offices or mediation.

The exercise of that right can never be considered by the parties as an unfriendly act.

SECTION II

POWERS OF THE PAN AMERICAN UNION

ARTICLE 2

In order to insure respect for the rights of neutrals, and particularly the freedom of commerce and navigation which exists in time of peace, the Governing Board of the Pan American Union, immediately upon the declaration of war, shall meet to examine the common interests of the American Republics.

SECTION III

ON FREEDOM OF COMMERCE IN TIME OF WAR

ARTICLE 3

The American Republics declare that the following rules are to be deemed a part of international law:

1. A merchant ship must be ordered to submit to visit and search to determine its character before it can be seized.

A merchant ship must not be attacked unless it refuse to submit to visit and search after warning, or fail to proceed as directed after seizure.

A merchant ship must not be rendered unseaworthy until the crew and passengers have been first placed in safety.

2. Belligerent submarines are not under any circumstances exempt from the rules above stated. If a submarine can not capture a merchant vessel in conformity with these rules existing international law requires it to desist from attack and from seizure and to permit the latter to continue on its way.

SECTION IV

RIGHTS AND DUTIES OF BELLIGERENTS

ARTICLE 4

Belligerents are bound to respect the sovereign rights of neutral American Republics and to abstain, in their territory or jurisdictional waters, from any act which would constitute a violation of neutrality on the part of the nation permitting it.

ARTICLE 5

Belligerents are especially forbidden to use ports and waters of neutral American Republics as a base of naval operations against their adversaries, and in particular to erect wireless telegraph stations or any apparatus for the purpose of communicating with the belligerent forces on land or sea.

ARTICLE 6

A distinction must be made between warships and merchant ships with regard to the sojourn, revictualing, and provisioning of belligerent ships in the ports, roadsteads, and jurisdictional waters of neutral American Republics.

The following provisions relative to warships apply equally:

- (1) To ordinary auxiliary ships;
- (2) To merchant ships converted into warships in accordance with 1907 Hague Convention VII;
- (3) To belligerent merchant ships which lend regular or occasional assistance to the warships of their country without having been converted into auxiliary ships conformably to the said convention;
- (4) To neutral ships which render regular or occasional assistance to belligerent ships.

And the following provisions relative to merchant ships apply equally to ships which have been reconverted from auxiliary ships to merchant ships in accordance with Article 11 of the present convention.

ARTICLE 7

Belligerent warships may not make repairs in the ports, roadsteads, and territorial waters of neutral American Republics except in case of duly justified *force majeure*.

They shall only carry out such repairs as are absolutely necessary to render them seaworthy. The neutral authority shall decide what repairs are necessary, and these must be carried out as rapidly as possible. The ships must leave the port as soon as the circumstances of *force majeure* are at an end.

Those war ships are especially forbidden to replenish and increase their supplies of war material and their armament, or to complete their crews.

ARTICLE 8

Belligerent merchant ships may take on coal and acquire necessary supplies in the ports of neutral American Republics under conditions specially decreed by the local authority, or, in the absence of these, in the same manner as in time of peace.

ARTICLE 9

If it is established that a merchant ship, after having taken on coal or acquired necessary supplies in a port of a neutral American Republic, has transferred all or a part of its supplies to a belligerent warship within the territorial waters of the country or outside of them, it shall not return to said country for provisions or fuel.

ARTICLE 10

If, by the manner in which it is fitted out or by reason of other circumstances, a merchant ship is suspected of being able to furnish warships of its country with needed supplies, the neutral local authority may, according to the circumstances, consider it as an auxiliary ship, and therefore refuse it all provisions, or require, from the agent of the company owning the ship, a guaranty that the said ship will not aid or assist any belligerent ship.

When a ship has become an object of suspicion its case must immediately be communicated to the Pan American Union in order that it may determine what should be done. This applies especially to a ship which has secretly left a port of an American Republic.

ARTICLE 11

Auxiliary ships of belligerents reconverted into merchant ships shall be admitted as such in the ports of neutral American Republics on condition:

(1) Of not having violated the neutrality of the American Republic where they arrive.

(2) That the conversion may have been accomplished in the ports or jurisdictional waters of the country to which the ship belongs or in the ports of its allies.

(3) That the conversion be effective; that is, that the ship may not reveal, either by its crew or by its installations, that it can render the services of auxiliary to its country's war fleet which it previously rendered.

(4) That the government of the country to which the ship belongs communicate to the American Republics the names of the auxiliary ships which have lost this character to resume that of merchant ships.

(5) That the same government give assurance that the said ships will not in the future be used as auxiliaries to the war fleet.

ARTICLE 12

The aircraft (airplanes, dirigibles) of belligerent countries may fly over the territory or jurisdictional sea of neutral American Republics only in accordance with the regulations established by the latter on this subject.

SECTION V

RIGHTS AND DUTIES OF NEUTRALS

ARTICLE 13

In war a distinction must be drawn between acts of assistance on the part of neutral nations and commercial acts on the part of the individual; the first only are contrary to neutrality.

The supply for any reason, made directly or indirectly by a neutral Power to a belligerent Power, of warships, ammunition, or war material of any kind whatever, is forbidden.

ARTICLE 14

The governments of the American Republics are especially forbidden to consent to loans or to open credits to any one of the belligerents during the period of the conflict.

ARTICLE 15

If one of the American Republics which has been informed of the commencement of hostilities knows that a belligerent warship is in one of its ports or roadsteads or in its territorial waters, it must notify the said ship to depart within 24 hours or within the time prescribed by the local law.

ARTICLE 16

A prize may only be brought into a port of a neutral American Republic on account of unseaworthiness, stress of weather, or want of fuel or provisions.

It must leave as soon as the circumstances which justified its entry are at an end. If it does not, the neutral American Republic shall notify it to leave at once. Should it fail to obey, the neutral republic must employ the means at its disposal to release the prize with its officers and crew and intern the prize crew.

ARTICLE 17

The neutral republic must, similarly, release the prize which may have been brought into one of its ports under circumstances other than those referred to in Article 16.

ARTICLE 18

The governments of neutral American Republics are bound to employ the means at their disposal to prevent the fitting out or arming of any vessel within their jurisdiction which they have reason to believe is intended to engage in hostile operations against a Power with which they are at peace. They are also bound to display the same vigilance to prevent the departure from their jurisdiction of any vessel intended to engage in hostile operations and which may have been wholly or partially adapted for use in war within the said jurisdiction.

ARTICLE 19

No neutral American Republic is bound to prevent the export or transit, for the use of either belligerent, of arms, ammunition, or, in general, of anything which may be of use to an army or fleet.

ARTICLE 20

A government of a neutral American Republic must prevent the agents of belligerent governments from enlisting their nationals on its territory, and especially from calling the latter under threat of accusing them of desertion.

But the neutral government must not oppose the voluntary departure of the nationals of belligerent nations, even if they leave simultaneously and in great numbers. The neutral government may, however, oppose the voluntary departure of its own nationals who wish to enroll in the army of one of the belligerents.

ARTICLE 21

The use in time of war of the telegraphs or cables of neutral American Republics by the nationals of belligerent countries shall be subject to the measures decreed by the local authority.

ARTICLE 22

A neutral American Republic is bound to exercise such surveillance as the means at its disposal allow to prevent any violation of its neutrality in its ports, roadsteads, or in its jurisdictional waters.

ARTICLE 23

Belligerent warships or merchant ships which enter the ports, roadsteads, or jurisdictional waters of a neutral American Republic without being entitled to enter, conformably to the provisions of this convention, may be interned by order of the government.

A ship shall be considered to be interned from the moment it has received the order of internment from the neutral local authority, even though a request for reconsideration may have been made by the infringing ship.

ARTICLE 24

Every ship interned for violation of neutrality, as well as its crew, shall be interned in the place and under the conditions which best suit the republic which orders the internment, and the latter shall be made at the expense of the infringing ship.

Except in case of gross mistake on its part, the American Republic which interns a ship is not responsible for damages suffered by the latter.

ARTICLE 25

When a ship transporting merchandise has to be interned in a port of a neutral republic, the merchandise destined for the said republic shall be unloaded and that destined for other ports transshipped.

ARTICLE 26

In case, as a consequence of naval operations which have taken place outside of the jurisdictional waters of an American Republic, there should be dead or wounded on one of the belligerent ships, temporary hospital ships may be sent to the scene of trouble under the control and surveillance of the neutral government. Those ships shall enjoy complete inviolability during the time their mission lasts.

The wounded or shipwrecked shall not be interned. They shall be put at liberty as soon as possible.

SECTION VI

ON THE EXECUTION AND SANCTION OF THE LAWS OF NEUTRALITY AND OF BELLIGERENCY

ARTICLE 27

The belligerent party which violates the provisions of the present convention shall, if the case demands, be liable to pay compensation. It shall be responsible for all acts committed by persons forming part of its armed forces.

ARTICLE 28

In case of war the authorities of the neutral American Republics are especially charged—

(1) To see that the rights and duties of neutrality are observed on the territory of the republic.

(2) To see to the observance of the provisions, if any, which the Pan American Union has recommended regarding the dispute and which the republics have accepted.

(3) To settle provisionally the urgent controversies which may arise between the belligerents and the authorities of the country in which the authorities reside.

ARTICLE 29

The Pan American Union may, in agreement with the governments of the interested American Republics, appoint commissions to observe how the belligerents conform to the laws and customs of war.

The reports of those commissions will permit of proving whether there has been a violation of the laws and usages of war. In such case the Pan American Union may, if it deem it advisable, protest in the name of the Republics of the New World against the violation committed.

Voeux

The American Republics express the following *voeux*:

1. Belligerent warships shall not have access to the ports, roadsteads, and territorial waters of neutral American Republics except in case of duly proven *force majeure*.

The need of replenishing in fuel or supplies does not constitute a case of *force majeure* which authorizes a warship to enter the ports, roadsteads, or jurisdictional waters of neutral American Republics.

2. That it be formally forbidden to maintain a commercial blockade, in any manner whatsoever, of the ports of belligerents and the maritime zones bathing their coasts.

3. The inviolability of private property at sea: Merchant ships of belligerents as well as of neutrals shall in no case be subject to confiscation, and still less be sunk for any reason or pretext whatsoever.

If the said ships carry contraband of war, the latter can be either confiscated or destroyed by the captor.

4. That the right of search be abolished and that it be established that the local authorities of each American Republic shall visé the papers of the merchant ships which depart from the said republic destined for a belligerent port.

Belligerent ships can not stop the merchant ships of neutral American Republics or those belonging to the other belligerent, except to demand the production of the ship's papers thus viséed.

Belligerent ships may, in spite of the regularity of the said papers, proceed to the search of the merchant ships. If it results from the search that the ship does not carry contraband of war, the searching ship may be condemned to pay compensation for the injury caused. If the ship searched carries contraband, the American Republic whose authorities have viséed the false passport must pay compensation.

If the ships are not furnished with papers duly viséed, they may be searched according to existing international practice without occasioning indemnity.

AMERICAN INSTITUTE OF INTERNATIONAL LAW

Project No. 27

PACIFIC SETTLEMENT

The American Republics in order to conserve the peace upon which their civilization depends, and to avert war, which menaces it, agree to have recourse for the settlement of all disputes between them, when direct negotiations have failed, to the measures regulated in the present convention.

PART I

THE MAINTENANCE OF GENERAL PEACE

ARTICLE 1

General peace should be maintained by means of good offices, mediation, commissions of inquiry and conciliation, friendly composition, arbitration, and the judicial power.

PART II

GOOD OFFICES AND MEDIATION¹

ARTICLE 2

In case of serious disagreement the American Republics shall have recourse, as far as circumstances allow, to the good offices or mediation of one or more friendly nations.

ARTICLE 3

Independently of this recourse the American Republics deem it expedient and desirable that one or more nations, strangers to the question, should, on their own initiative and as far as circumstances may allow, offer their good offices or mediation to the nations at variance.

The exercise of this right can never be regarded by any of the parties as an unfriendly act.

ARTICLE 4

The part of the mediator consists in reconciling the opposing claims and removing the causes of complaint which may exist between the nations at variance.

ARTICLE 5

The functions of the mediator terminate when it is declared by one of the parties or by the mediator that the means of conciliation proposed by him are not accepted.

¹ From The Hague Convention for the Pacific Settlement of International Disputes.

ARTICLE 6

Good offices and mediation undertaken either at the request of the parties or on the initiative of foreign nations have exclusively the character of advice and never have binding force.

PART III

COMMISSIONS OF INQUIRY ¹

ARTICLE 7

All controversies which for any cause whatsoever may arise between two or more of the American Republics and which it has been impossible to settle through diplomatic channels, or to submit to arbitration in accordance with existing treaties, shall be submitted for investigation and report to a commission to be established in the manner provided for in Article 10. In case of dispute none of the parties shall begin mobilization or concentration of troops on the frontier of the other, nor engage in any hostile act or preparations for hostilities from the time steps are taken to convene the commission until the said commission has rendered its report, or until the expiration of the time provided for in Article 18.

ARTICLE 8

The controversies referred to in Article 7 shall be submitted to the commission of inquiry, provided it has been impossible to settle them through diplomatic negotiations or procedure or by arbitration, or in cases in which the circumstances of the fact render all negotiations impossible and there is imminent danger of an armed conflict between the parties. Any one of the governments directly interested in the investigation of the facts giving rise to the controversy may apply for the convocation of the commission of inquiry, and to this end it shall be necessary only to communicate officially this decision to the other party and to one of the permanent commissions established by Article 9.

ARTICLE 9

Two commissions to be designated as permanent shall be established with their seats at Washington (United States of America) and at Montevideo (Uruguay). They shall be composed of the three American diplomatic agents longest accredited in said capitals, and at the call of the foreign offices of these states they shall organize, appointing their respective chairmen. Their functions shall be limited to receiving from the interested parties the request for a convocation of the commission of inquiry and to notifying the other party thereof immediately. The government requesting the convocation shall appoint at the same time the persons who are to compose the commission of inquiry in representation of that government, and the other party shall likewise, as soon as it receives notification, appoint its members.

¹ Adapted from the Convention adopted by the Fifth American Conference of 1923.

Once the request for convocation has been received and the permanent commission has made the respective notifications, the question or controversy existing between the parties and as to which no agreement has been reached shall *ipso facto* be suspended.

ARTICLE 10

The commission of inquiry shall be composed of five members, all nationals of American states, appointed in the following manner: Each government shall appoint two at the time of convocation, only one of whom shall be a national of its country. The fifth shall be chosen by common accord by those already appointed and shall perform the duties of president. However, a citizen of a nation already represented on the commission may not be elected. Any of the governments may refuse to accept the elected member, for reasons which it may reserve to itself, and in such event a substitute shall be appointed, with the mutual consent of the parties, within 30 days following the notification of this refusal. In the failure of such agreement, the designation shall be made by the president of one of the American Republics not interested in the dispute, who shall be selected by lot by the commissioners already appointed from a list of not more than six American presidents, to be formed as follows: Each government party to the controversy, or if there are more than two governments directly interested in the dispute, the government or governments on each side of the controversy shall designate three presidents of American states which maintain the same friendly relations with all the parties.

Whenever there are more than two governments directly interested in a controversy, and the interests of two or more of them are identical, the government or governments on each side of the controversy shall have the right to increase the number of their commissioners, as far as it may be necessary, so that both sides in the dispute may always have equal representation on the commission.

Once the commission has been thus organized in the capital city ——— it shall notify the respective governments of the date of its inauguration and it may then determine upon the place or places in which it will function, taking into account the greater facilities for investigation.

The commission of inquiry shall itself establish its rules of procedure.

Its decisions and final report shall be agreed to by the majority of its members.

Each party shall bear its own expenses and a proportionate share of the general expenses of the commission.

ARTICLE 11

The signatory governments grant to all the commissions which may be constituted the power to summon witnesses, to administer oaths, and to receive evidence and testimony.

ARTICLE 12

During the investigation the parties shall be heard and may have the right to be represented by one or more agents and counsel.

ARTICLE 13

All members of the commission shall take oath duly and faithfully to discharge their duties before the highest judicial authority of the place where it may meet.

ARTICLE 14

The inquiry shall be conducted so that both parties shall be heard. Consequently, the commission shall notify each party of the statements of facts submitted by the other, and shall fix periods of time in which to receive evidence.

Once the parties are notified, the commission shall proceed to the investigation, even though they fail to appear.

ARTICLE 15

As soon as the commission of inquiry is organized it shall, at the request of any of the parties to the dispute, have the right to fix the status in which the parties must remain, in order that the situation may not be aggravated and matters may remain in *statu quo* pending the rendering of the report by the commission.

ARTICLE 16

The parties to the controversy shall furnish the antecedents and data necessary for the investigation. The commission shall render its report within one year from the date of its inauguration. If it has been impossible to finish the investigation or draft the report within the period agreed upon it may be extended six months beyond the period established, provided the parties to the controversy are in agreement upon this point.

ARTICLE 17

The finding of the commission will be considered as reports upon the disputes which were the subject of the investigation, but will not have the value or force of judicial decisions or arbitral awards.

ARTICLE 18

Once the report is in possession of the governments parties to the dispute and the Pan American Union, six months' time will be available for renewed negotiations in order to bring about a settlement of the difficulties, in view of the findings of said report; if during this new term they should be unable to reach a friendly arrangement, the parties in dispute shall recover entire liberty of action to proceed as their interests may dictate in the question dealt with in the investigation.

PART IV

CONCILIATION

ARTICLE 19

In case of a serious question endangering the peace of any of the American Republics, resort may be had by one of the parties to the Governing Board of the Pan American Union, which shall thereupon exercise the functions of a council of conciliation.

The request shall be directed to the Director General of the Union, who shall lay the request without delay before the chairman of the Governing Board. The latter shall immediately call a meeting of the Board to consider what recommendation must be adopted. The interested republics shall refrain from all direct intercourse until the Governing Board may have decided the nature and form of its recommendation.

PART V

FRIENDLY COMPOSITION

ARTICLE 20

Any question which has not been resolved by any of the methods stipulated in the present convention shall, at the request of all the parties, be submitted to the chief executive of any one of the American Republics or to any person possessing the confidence of said parties. The chief executive or person so selected shall assume the functions of "friendly compositor" and render an award.

A special agreement of the parties shall state the terms of the question and the procedure to be followed by them and by the friendly compositor.

PART VI

ARBITRATION

ARTICLE 21

International arbitration has for its object the settlement of questions between states by judges of their own choice and on the basis of respect for law.

ARTICLE 22

The arbitration convention may be concluded for questions already existing or for those which may arise.

It may embrace any question or only those of a certain class.

ARTICLE 23

The arbitration convention implies the duty to submit loyally to the award.

ARTICLE 24

With the object of facilitating an immediate recourse to arbitration for international differences, which it has not been possible to settle by other methods, the following rules of procedure shall be observed in the absence of a stipulation to the contrary by the parties.

ARTICLE 25

The Permanent Court of Arbitration organized in accordance with the provisions of the Pacific Settlement Convention of The Hague, of 1907, shall be competent for all arbitrations. If the dispute is submitted to the Permanent Court of The Hague, the tribunal shall be formed and the procedure followed in accordance with the Pacific Settlement Convention of 1907.

ARTICLE 26

In differences which the parties desire to have decided by a court of justice, resort may be had to the Permanent Court of International Justice established at The Hague, or to any other court of justice which may be constituted for this purpose by the American Republics.

When the resort is to the Permanent Court of International Justice at The Hague, the procedure shall be in accordance with the statute of the said court.

AMERICAN INSTITUTE OF INTERNATIONAL LAW

Project No. 28

PAN AMERICAN COURT OF JUSTICE¹

Whereas the Fifth Pan American Conference, which met at Santiago de Chile, resolved "to forward to the Commission of Jurists which is to meet at Rio de Janeiro in 1925 for the codification of international law, the proposal presented by the delegation of Costa Rica,² regarding the creation of a Permanent Court of American Justice, as well as all other proposals that the various American Governments may formulate in this respect;" and

Whereas the collaboration of the American Institute of International Law in the preparatory labors of said Commission of Jurists was requested by virtue of a resolution of the Governing Board of the Pan American Union which was communicated to the Institute by the Secretary of State of the United States of America in his capacity as chairman of the Governing Board under date of January 2, 1924;

The Executive Council of the American Institute of International Law, without expressing the opinion of its members on the creation of a new court of international justice, presents to the consideration of the Commission of Jurists the following project:

ARTICLE 1

The Pan American Court of International Justice shall be composed of a member from each one of the contracting parties and appointed by it.

The members shall be chosen from persons of high moral character who possess the qualifications required in their respective countries for appointment to the highest judicial offices or who are jurisconsults of recognized competence in international law.

ARTICLE 2

At a date to be fixed by the Governing Board of the Pan American Union each contracting republic shall be requested to appoint a member, and the names of the persons so appointed shall be transmitted to the Director General of the Pan American Union. The members thus appointed shall form the court, and the Director General shall send a list of them to each republic.

The Pan American Union shall request from each contracting republic the name of a Canadian jurisconsult who possesses the qualifications specified in Article 1 and who is disposed to accept the position of member of the court. The names of the persons proposed shall be drawn by lot by the Director

¹ Adapted from the project of the Commission of Jurists of The Hague (printed in Proceedings of the American Society of International Law, 1920, p. 44 *et seq.*).

² For the text of this proposal see Appendix, p. 385.

General of the Union at a meeting of the Governing Board, the person whose name is thus drawn from the urn being appointed to the court.

ARTICLE 3

At a meeting of the Governing Board the names of the members shall be placed in an urn and the Director General shall draw them one by one. The first half shall form the Court of First Instance; the second, the Court of Appeal.

In respect to the United States and Canada, the person whose name is first drawn shall be in the first branch, and the person whose name is last drawn shall be reserved for the Court of Appeal.

ARTICLE 4

In case of a vacancy in either division, the new member shall be chosen in accordance with the provisions of Article 2 to serve for the balance of the term of his predecessor.

ARTICLE 5

The members of the court are appointed for a period of — years, and shall serve until their successors are appointed. They may be reelected.

ARTICLE 6

The exercise of any function which belongs to the political direction, national or international, of the American Republics by a member of the court during his term of office is declared incompatible with his judicial duties.

Any doubt on this point shall be settled by the decision of the court to which the party in interest does not belong.

ARTICLE 7

No member of the court may act as agent, counsel, or advocate in any case of an international nature.

No member shall participate in the decision of any case in which he has previously taken an active part as agent, counsel, or advocate for one of the contesting parties, or as a member of a national or international court, or of a commission of inquiry, or in any other capacity.

Any doubt on this point shall be settled by the decision of the court.

ARTICLE 8

The members of the court, when engaged on the business of the court, shall enjoy diplomatic privileges and immunities.

ARTICLE 9

Every member of the court shall, before taking up his duties, make a solemn declaration in open court that he will exercise his powers impartially and justly.

ARTICLE 10

The court shall elect its President and Vice President, to serve for a period of one year; they may be reelected.

The court shall elect its Secretary General.

ARTICLE 11

The court shall be established in the city of Habana.

ARTICLE 12

The sessions shall begin on —, and shall continue for so long as may be deemed necessary to finish the cases pending.

The President shall summon an extraordinary session of the court whenever necessary.

ARTICLE 13

If for some special reason a member of the court considers that he should not take part in the decision of a case, he shall so inform the President.

If the President considers that for some special reason one of the members of the court should not sit on a case, the latter shall be so notified.

If in any such case the member of the court and the President disagree, the matter shall be decided by the court.

ARTICLE 14

Each branch of the court shall sit in banc except when it is expressly provided otherwise.

If, however, — judges are not available, a quorum of — judges shall suffice to constitute the court.

ARTICLE 15

The members of the court shall receive compensation during the time of their attendance upon the court, to be fixed by the Governing Board of the Pan American Union. Such compensation shall include traveling expenses to and from the court and a per diem, likewise to be fixed by the Governing Board, during their official attendance upon the court.

The salary of the Secretary General shall be fixed by the Governing Board.

ARTICLE 16

The expenses of the court shall be borne by the contracting republics, according to the proportion contributed by —.

ARTICLE 17

The court shall have obligatory jurisdiction in the following cases:

- (a) The interpretation of a treaty.
- (b) The existence of any fact which, if established, would constitute a breach of an international obligation.

(c) The nature and extent of reparation to be made for the breach of an international obligation.

(d) The interpretation of a sentence passed by the court.

The court shall also take cognizance of all disputes of any kind which may be submitted to it by a general convention between the parties.

In the event of a controversy as to whether a certain case comes within any of the categories above mentioned, the matter shall be decided by the court.

ARTICLE 18

The court shall, within the limits of its jurisdiction, apply in the order following:

1. International conventions, whether general or special, establishing rules expressly recognized by the parties in dispute.
2. International custom, as evidenced by general practice.
3. The general principles of law recognized by civilized nations.

ARTICLE 19

The languages of the court shall be the official languages of the contracting republics.

Upon the failure of the parties to determine the language or languages to be used, the court shall do so upon the request of one or other of the parties.

ARTICLE 20

Cases shall be brought before the court either by the notification of the special agreement or by a written application addressed to the Secretary General. In either case the subject of the dispute and the contesting parties must be indicated.

The Secretary General shall forthwith communicate the application to all concerned.

ARTICLE 21

The court shall have the power to indicate, if it considers that circumstances so require, any provisional measures which ought to be taken to preserve the respective rights of each party.

Pending the final decision, notice of the measures suggested shall forthwith be given to the parties and the Governing Board of the Pan American Union.

ARTICLE 22

The parties shall be represented by agents.

They shall have the assistance of counsel or advocates before the court.

ARTICLE 23

The procedure shall consist of two parts—written and oral.

ARTICLE 24

The written proceedings shall consist of the communication to the judges and to the parties of cases, countercases, and, if necessary, replies; also all papers and documents in support.

These communications shall be made through the Secretary General in the order and within the time fixed by the court.

A certified copy of every document produced by one party shall be communicated to the other party.

ARTICLE 25

The oral proceedings shall consist of the hearing by the court of witnesses, experts, agents, and advocates.

ARTICLE 26

For the service of all notices upon persons other than the agents and advocates, the court shall apply direct to the government of the American Republic upon whose territory the notice has to be served.

The same provision shall apply wherever steps are to be taken to procure evidence.

ARTICLE 27

The hearing in court shall be public, unless the court shall decide otherwise or unless the parties demand that the public be not admitted.

ARTICLE 28

Minutes shall be made at each hearing and signed by the President and the Secretary General.

ARTICLE 29

The court shall give direction for the conduct of the case, decide the form and time in which each party must present its arguments, and prescribe all measures regarding evidence.

ARTICLE 30

The court may, even before the hearing begins, call upon the agents to produce any document or to supply any explanations. Formal note shall be taken of any refusal.

ARTICLE 31

The court may at any time entrust any individual, institution, bureau, commission, or other organization that it may select with the task of carrying out an inquiry or giving an expert opinion.

ARTICLE 32

During the hearing the judges may put any questions, considered by them to be necessary, to the witnesses, agents, experts, or advocates. The

agents and advocates shall have the right to ask, through the President, any questions that the court considers useful.

ARTICLE 33

After the court has received the evidence within the time specified for the purpose, it may refuse to accept any further oral or written evidence that one party may desire to present unless the other side consents.

ARTICLE 34

Whenever one of the parties shall not appear before the court, or shall fail to defend its case, the other party may call upon the court to decide the claim in its favor.

The court shall, before doing so, prove not only that it has jurisdiction but also that the claim is supported by substantial evidence and well founded in fact and law.

ARTICLE 35

When the agents, advocates, and counsel have completed their case, the President shall declare the proceedings closed and the court shall render judgment.

The court shall withdraw to consider the judgment.

The deliberations of the court shall take place in private and remain secret.

ARTICLE 36

All questions shall be decided by a majority of votes of the members present at the hearing.

In the event of an equality of votes, the President shall have a casting vote.

ARTICLE 37

The judgment shall state the reasons on which it is based, and it shall contain the names of the judges who have taken part in the decision.

ARTICLE 38

In case the judgment of the court is that of the majority, members dissenting from the judgment shall be entitled to state their reasons, if they so desire.

ARTICLE 39

The judgment shall be signed by the President and by the Secretary General. It shall be read in open court, notice having been given to the agents.

ARTICLE 40

The judgment shall be final, unless a demand for a revision be made within . . . months. In the event of doubt as to the meaning and scope of the judgment, the court shall construe it upon the request of any of the parties.

ARTICLE 41

An appeal may be made within a period of . . . from the decision of the Court of First Instance on the ground of non-application or error in the application or the interpretation of a principle of law.

The motion of appeal shall be made within a period of . . . and the appeal shall be heard by the Court of Appeal at a date to be fixed by its President, after consulting the parties.

The appellant shall file his case in writing with the Secretary General of the court at a date to be fixed by the President, and the adverse party shall likewise reply in writing at a time to be fixed in the same manner.

At a period to be fixed by the President, after consultation with the parties, the case shall be set for early argument. The questions of law shall be argued according to the procedure established by the regulations of the court.

Each party shall have the right to make one oral reply to its adversary, at the conclusion of which the court shall declare the proceedings closed.

The judgment shall be read in open court, the agents of the parties having been notified to attend.

Members of the court dissenting from the judgment may state in writing the grounds of their dissent.

ARTICLE 42

The judgment of the Court of Appeal shall be final.

In the event of doubt as to the meaning or scope of the judgment, the Court of Appeal shall construe it at the request of any of the parties.

ARTICLE 43

The application for a revision of a judgment can be made only when it is based upon the discovery of some fact of such a nature as to be a decisive factor, which fact was when judgment was given unknown to the court and also to the party claiming revision, provided that such ignorance was not due to the negligence of the latter.

The proceedings for revision shall be opened by a decision of the court expressly recording the existence of the new fact, recognizing that it has such a character as to lay the case open to revision, and declaring the application admissible.

The court may require compliance with the judgment before it admits proceedings in revision.

The application for revision must be made at latest within six months of the discovery of the new fact.

ARTICLE 44

If a republic considers that it has a legal interest which may be affected by the judgment, it may present a request to the court to be permitted to intervene as a party in the case.

The court shall be competent to decide upon this request.

ARTICLE 45

Whenever the interpretation of a convention is involved to which republics other than those concerned in the case are parties, the Secretary General shall notify all such republics forthwith.

Every republic so notified has the right to intervene in the proceedings; but if it avails itself of this right, the interpretaion contained in the judgment shall be equally binding upon it.

AMERICAN INSTITUTE OF INTERNATIONAL LAW

Project No. 29

MEASURES OF REPRESSION

The American Republics . . . resolved to avoid resort to arms for the settlement of disputes which may arise between them, have agreed upon the following convention:

MEASURES OF SELF-REDDRESS SHORT OF WAR

ARTICLE 1

The measures which do not involve war are of two kinds: Pacific and coercitive.

ARTICLE 2

Those of a peaceful nature are:

1. Severance of diplomatic relations.
2. Pacific embargo.
3. Non-intercourse.

ARTICLE 3

Those of a coercitive nature are:

1. Retorsion.
2. Reprisals.
3. Hostile embargo.
4. Pacific blockade.

ARTICLE 4

SEVERANCE OF DIPLOMATIC RELATIONS

In matters of importance an American Republic is authorized to sever its diplomatic relations with another in order to obtain redress for grievances which it has been impossible for it to obtain by negotiation through diplomatic channels.

The withdrawal of diplomatic agents is a peaceful act, and a legal right, but one of such moment that it should only be resorted to after great deliberation.

ARTICLE 5

PACIFIC EMBARGO

Embargo is the detention within the national domain of ships or other property which might otherwise depart for a foreign territory.

To be pacific, the embargo should only restrain the departure from a territory of its own vessels or property.

ARTICLE 6

NON-INTERCOURSE

Non-intercourse is a suspension of commercial intercourse with the country whose acts are the source of complaint, in order to secure a government and its citizens from treatment contrary to international law.

ARTICLE 7

RETORSION

Retorsion is action taken by a country in order to compensate it for damages suffered through the action of another nation taking the law into its own hands.

Acts of retorsion may assume a variety of forms, an extreme example of which is the display of force made by the maintenance of a naval squadron in or near the waters of the nation charged with wrong-doing.

ARTICLE 8

REPRISALS

Reprisals consist in any act or measure undertaken for the purpose of obtaining, directly or indirectly, reparation for the illegal conduct of another nation.

ARTICLE 9

HOSTILE EMBARGO

Hostile embargo is an act by which ships or properties of a foreign nation are detained, in order to prevent them either from leaving the territory of the nation imposing the embargo or from reaching foreign territory, especially the country against which the embargo is directed.

ARTICLE 10

PACIFIC BLOCKADE

Pacific blockade consists in the obstructing or closing of the ports or coasts of one country by another. Its purpose is to prevent access to or egress from a foreign port or coast—compelling the territorial sovereign to yield to the demands which have been made upon the blockaded state. If confined solely to the country against which the measure is taken, the act is said to be pacific, and it does not necessarily create a state of war. If the blockade affects the vessels of other nations, it is in effect an act of war.

As the use of force against any American Republic is a matter of concern to all the republics of the continent, any republic against which an attempt is made to enforce any one of the above-mentioned measures should immediately notify the Pan American Union in order that the Governing Board thereof may consider the matter and take such action as it may deem advisable.

AMERICAN INSTITUTE OF INTERNATIONAL LAW

Project No. 30

CONQUEST

The American Republics . . . animated by the desire of preserving the peace and prosperity of the continent; for which it is indispensable that their mutual relations be based upon principles of justice and upon respect for law, solemnly declare as a fundamental concept of American international law that, without criticizing territorial acquisitions effected in the past, and without reference to existing controversies—

In the future territorial acquisitions obtained by means of war or under the menace of war or in presence of an armed force, to the detriment of any American Republic, shall not be lawful; and that

Consequently territorial acquisitions effected in the future by these means can not be invoked as conferring title; and that

Those obtained in the future by such means shall be considered null in fact and in law.

Appendix

COSTA RICAN PLAN FOR A PAN AMERICAN COURT OF JUSTICE

Submitted to the Fifth International Conference of American States, Santiago, Chile, 1923, and referred to the International Commission of Jurists

The Governments of the Republics of . . . with a view to avoiding by peaceful means the conflicts which may result in wars, as also to contribute toward the maintenance of peace, friendship, and harmony, which ought to exist between the nations of a continent, have decided to conclude a treaty for the realization of such noble purposes, and have therefore appointed the following delegates . . . who, assembled in the Fifth International Conference of American States, held at Santiago, Chile, after having presented their respective credentials, which were found to be in due form and order, have agreed upon the following:

ARTICLE 1. The high contracting parties agree to constitute and maintain a Permanent Court of Justice, to which they bind themselves to submit all the differences that may occur between them, in case their respective Ministries of Foreign Affairs may not have been able to reach an agreement.

ARTICLE 2. The court will also hear international questions which any of the adhering governments and a non-adhering nation, by special convention, may have agreed to submit to it.

ARTICLE 3. The court will be formed by judges chosen by a majority of the members of the supreme court of each of the signatory states, one for each state, from among the jurists who may have the qualifications required for the office, and who are noted for their personal integrity, as well as for their knowledge of international law. The vacancies will be filled by substitute judges named at the same time and in the same way as the permanent judges, and must have the same qualifications as the former.

ARTICLE 4. The International Court of Justice of America will have its seat at . . .; but it may temporarily transfer its headquarters when the necessities of justice so require.

ARTICLE 5. The permanent and substitute judges will be appointed for a period of ten years, counting from the day they assume their duties, and can not be reelected.

In the case of death, resignation, or inability of any of them, the supreme court of the respective state shall proceed to name a substitute and the new judge will continue in the period of his predecessor.

ARTICLE 6. The general expenses of the court will be shared equally by the signatory nations; and the expenses arising from each particular case will be paid as may be decided by the court. When a question be submitted to it in which one of the parties has not adhered to the treaty, it will be admitted after it has been agreed that the state against which sentence may be given, obliges itself to pay the amount of the award and costs, which the court may deem necessary.

The legislative authority of each of the high contracting parties will fix the salary of the respective judges at the beginning of the period referred to in the preceding article, and can not alter same until the following period.

The signatory governments will assign the necessary items in their yearly budgets, as well as the amount required for the expenses of the court, and they must remit in advance to the secretarial department of same, quarterly instalments for the salaries and expenses.

ARTICLE 7. The court is authorized to establish the procedure to be followed by the parties, as well as causes for challenging, excusing, or impeding the capacity of the judges. Likewise, it will appoint the members of its governing board and will establish its internal regulations, determining the formalities and time limits that may be necessary and which are not provided for in this treaty.

ARTICLE 8. The court session called to decide each particular case shall be composed of not less than three, nor more than seven judges, elected in a plenary session of the court, excluding the judges who are natives or citizens of the state or states having a direct or indirect interest in the controversy.

ARTICLE 9. The judges of the court may not hold any other political or administrative office. Nor may they act as agents, counselors, or lawyers in any international questions. During their period of office they will enjoy diplomatic privileges and immunities.

These dispositions shall not apply to substitute judges, except during active service.

ARTICLE 10. The court shall have a permanent status, and will always be ready to receive the claims, allegations, and replies, which any of the signatory or other interested nations may desire to submit thereto, as provided in Articles 2 and 6.

ARTICLE 11. The court shall be competent to consider all questions that may be presented by the parties, provided that the controversy be of any of the following categories:

- (a) The interpretation of a treaty.
- (b) Any point of international law.
- (c) The facts which brought about the violation of an international obligation.

In case of doubt as to whether or not the court is competent, it shall previously give its decision on that point.

ARTICLE 12. The court will apply:

1. International conventions and regulations expressly recognized by the litigating states;
2. International usage as proof of a practice accepted as a juridical precedent;
3. General principles of law recognized by civilized nations;
4. Previous decisions of the court and doctrines of the most qualified publicists as auxiliaries to fix the rules of law; and

5. In addition, it will be a jury which shall conscientiously issue its verdicts.

ARTICLE 13. The court may not be requested to eventually revise its decision except in virtue of the discovery of a fact which would have been able to decisively influence same, and which was unknown prior to that decision through no fault, error, or omission of the party alleging same.

Petition for revision may only be presented within six months after the notification of the decision and shall be examined by the court in plenary session excluding the judges appointed by the nation or nations interested in the litigation.

ARTICLE 14. The present treaty will come into force as soon as at least 12 of the signatory states shall have ratified it and will not lapse for any reason whatever during a period of 10 years from its last ratification, and thereafter it shall continue in force unless it has been denounced by at least half of the signatory governments with a year's notice.

ARTICLE 15. This treaty shall be ratified as soon as possible in accordance with the constitutional provisions of the high contracting parties, and will become effective by an exchange of ratifications through the Pan American Union at Washington, in whose archives there will be deposited authentic copies in Spanish, English, Portuguese, and French.

The Republics of America not ratifying this covenant or which may not have been represented at the Fifth International Conference may adhere to the stipulations of the present treaty at any time by merely forwarding the official notification that their respective constitutional authorities have ratified it.

In witness whereof the aforementioned plenipotentiaries sign this treaty in the city of Santiago.

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TO REPLACE THE CONVENTION OF FEBRUARY 8, 1907, BETWEEN THE TWO
GOVERNMENTS PROVIDING FOR THE ASSISTANCE OF THE UNITED STATES
IN THE COLLECTION AND APPLICATION OF THE CUSTOMS REVENUES OF THE
DOMINICAN REPUBLIC¹

*Signed at Washington, December 27, 1924; ratifications exchanged October
24, 1925*

Whereas a convention between the United States of America and the Dominican Republic providing for the assistance of the United States in the collection and application of the customs revenues of the Dominican Republic, was concluded and signed by their respective plenipotentiaries at the City of Santo Domingo, on the eighth day of February, one thousand nine hundred and seven, and

Whereas that convention was entered into to enable the Dominican Government to carry out a plan of settlement for the adjustment of debts and claims against the government; and

Whereas, in accordance with that plan of settlement, the Dominican Republic issued in 1908, bonds to the amount of \$20,000,000, bearing 5 per cent interest, payable in 50 years and redeemable after 10 years at 102- $\frac{1}{2}$, and requiring payment of at least 1 per cent per annum for amortization; and

Whereas additional obligations have been incurred by the Dominican Government in the form of the issuance, in 1918, of bonds to the amount of \$5,000,000, bearing 5 per cent interest, payable in 20 years, and redeemable at par on each interest date as the amount of amortization fund available on such interest dates will permit, and requiring payment of at least 5 per cent per annum for amortization; and in the form of the issuance of bonds, in 1922, to the amount of \$10,000,000, bearing 5- $\frac{1}{2}$ per cent interest, payable in 20 years, and redeemable after 8 years at 101 and requiring payment after such period of at least \$563,916.67 per annum for amortization; and

Whereas certain of the terms of the contracts under which these bonds have been issued have proven by experience unduly onerous to the Dominican Republic and have compelled it to devote a larger portion of the customs revenues to provide the interest and sinking fund charges pledged to the service of such bonds than is deemed advisable or necessary; and

Whereas it is the desire of the Dominican Government and appears to be to the best interest of the Dominican Republic to issue bonds to a total amount of \$25,000,000, in order to provide for the refunding on terms more

¹ U. S. Treaty Series, No. 726.

advantageous to the republic of its obligations represented by the bonds of the three issues above mentioned still outstanding and for a balance remaining after such operation is concluded to be devoted to permanent public improvements and to other projects designed to further the economic and industrial development of the country; and

Whereas the whole of this plan is conditioned and dependent upon the assistance of the United States in the collection of customs revenues of the Dominican Republic and the application thereof so far as necessary to the interest upon and the amortization and redemption of said bonds, and the Dominican Republic has requested the United States to give and the United States is willing to give such assistance:

The United States of America, represented by Charles Evans Hughes, Secretary of State of the United States of America; and the Dominican Republic, represented by Señor José del Carmen Ariza, Envoy Extraordinary and Minister Plenipotentiary of the Dominican Republic in Washington, have agreed:

ARTICLE I

That the President of the United States shall appoint a General Receiver of Dominican Customs, who, with such assistant receivers and other employees of the Receivership as shall be appointed by the President of the United States in his discretion, shall collect all the customs duties accruing at the several customs houses of the Dominican Republic until the payment or retirement of any and all bonds issued by the Dominican Government in accordance with the plan and under the limitations as to terms and amounts hereinbefore recited; and said General Receiver shall apply the sums so collected, as follows:

First, to paying the expenses of the receivership; second, to the payment of interest upon all bonds outstanding; third, to the payment of the annual sums provided for amortization of said bonds including interest upon all bonds held in sinking fund; fourth, to the purchase and cancellation or the retirement and cancellation pursuant to the terms thereof of any of said bonds as may be directed by the Dominican Government; fifth, the remainder to be paid to the Dominican Government.

The method of distributing the current collections of revenue in order to accomplish the application thereof as hereinbefore provided shall be as follows:

The expenses of the receivership shall be paid by the Receiver as they arise. The allowances to the General Receiver and his assistants for the expenses of collecting the revenues shall not exceed five per cent unless by agreement between the two governments.

On the first day of each calendar month shall be paid over by the Receiver to the Fiscal Agent of the loan a sum equal to one twelfth of the annual interest of all the bonds issued and of the annual sums provided for amorti-

zation of said bonds and the remaining collection of the last preceding month shall be paid over to the Dominican Government, or applied to the sinking fund for the purchase or redemption of bonds or for other purposes as the Dominican Government shall direct.

Provided, that in case the customs revenues collected by the General Receiver shall in any year exceed the sum of \$4,000,000, 10 per cent of the surplus above such sum of \$4,000,000 shall be applied to the sinking fund for the redemption of bonds.

ARTICLE II

The Dominican Government will provide by law for the payment of all customs duties to the General Receiver and his assistants, and will give to them all needful aid and assistance and full protection to the extent of its powers. The Government of the United States will give to the General Receiver and his assistants such protection as it may find to be requisite for the performance of their duties.

ARTICLE III

Until the Dominican Republic has paid the whole amount of the bonds of the debt, its public debt shall not be increased except by previous agreement between the Dominican Government and the United States.

ARTICLE IV

The Dominican Government agrees that the import duties will at no time be modified to such an extent that, on the basis of exportations and importations to the like amount and the like character during the two years preceding that in which it is desired to make such modification, the total net customs receipts would not at such altered rates have amounted for each of such two years to at least $1\frac{1}{2}$ times the amount necessary to provide for the interest and sinking fund charges upon its public debt.

ARTICLE V

The accounts of the General Receiver shall be rendered monthly to the Ministry of Finance and Commerce of the Dominican Republic and to the State Department of the United States and shall be subject to examination and verification by the appropriate officers of the Dominican and the United States Governments.

ARTICLE VI

The determination of any controversy which may arise between the contracting parties in the carrying out of the provisions of this convention shall, should the two governments be unable to come to an agreement through diplomatic channels, be by arbitration. In the carrying out of this agreement in each individual case, the contracting parties, once the necessity of

arbitration is determined, shall conclude a special agreement defining clearly the scope of the dispute, the scope of the powers of the arbitrators, and the periods to be fixed for the formation of the arbitral tribunal and the several stages of the procedure. The special agreement providing for arbitration shall, in all cases, be signed within a period of three months from the date upon which either one of the contracting parties shall notify the other contracting party of its desire to resort to arbitration. It is understood that on the part of the United States, such special agreements will be made by the President of the United States by and with the advice and consent of the Senate thereto, and on the part of the Dominican Republic, shall be subject to the procedure required by the Constitution and laws thereof.

ARTICLE VII

This agreement shall take effect after its approval by the contracting parties in accordance with their respective constitutional methods. Upon the exchange of ratifications of this convention, which shall take place at Washington as soon as possible, the convention between the United States of America and the Dominican Republic providing for the assistance of the United States in the collection and application of the customs revenues, concluded and signed at the City of Santo Domingo on the 8th day of February, 1907, shall be deemed to be abrogated.

Done in duplicate in the English and Spanish languages at the City of Washington this 27th day of December, nineteen hundred and twenty-four.

[SEAL] CHARLES EVANS HUGHES.

[SEAL] J. C. ARIZA.

TREATY OF FRIENDSHIP, COMMERCE AND CONSULAR RIGHTS BETWEEN THE UNITED STATES AND GERMANY¹

Signed at Washington, December 8, 1923; ratifications exchanged October 14, 1925

The United States of America and Germany, desirous of strengthening the bond of peace which happily prevails between them, by arrangements designed to promote friendly intercourse between their respective territories through provisions responsive to the spiritual, cultural, economic and commercial aspirations of the peoples thereof, have resolved to conclude a treaty of friendship, commerce and consular rights and for that purpose have appointed as their plenipotentiaries:

The President of the United States of America,

Mr. Charles Evans Hughes, Secretary of State of the United States of America, and

The President of the German Empire,

Dr. Otto Wiedfeldt, German Ambassador to the United States of America,

¹ U. S. Treaty Series, No. 725.

Who, having communicated to each other their full powers found to be in due form, have agreed upon the following articles:

ARTICLE I

The nationals of each of the high contracting parties shall be permitted to enter, travel and reside in the territories of the other; to exercise liberty of conscience and freedom of worship; to engage in professional, scientific, religious, philanthropic, manufacturing and commercial work of every kind without interference; to carry on every form of commercial activity which is not forbidden by the local law; to own, erect or lease and occupy appropriate buildings and to lease lands for residential, scientific, religious, philanthropic, manufacturing, commercial and mortuary purposes; to employ agents of their choice, and generally to do anything incidental to or necessary for the enjoyment of any of the foregoing privileges upon the same terms as nationals of the state of residence or as nationals of the nation hereafter to be most favored by it, submitting themselves to all local laws and regulations duly established.

The nationals of either high contracting party within the territories of the other shall not be subjected to the payment of any internal charges or taxes other or higher than those that are exacted of and paid by its nationals.

The nationals of each high contracting party shall enjoy freedom of access to the courts of justice of the other on conforming to the local laws, as well for the prosecution as for the defense of their rights, and in all degrees of jurisdiction established by law.

The nationals of each high contracting party shall receive within the territories of the other, upon submitting to conditions imposed upon its nationals, the most constant protection and security for their persons and property, and shall enjoy in this respect that degree of protection that is required by international law. Their property shall not be taken without due process of law and without payment of just compensation.

[Nothing herein contained shall be construed to affect existing statutes of either country in relation to the immigration of aliens or the right of either country to enact such statutes.]¹

ARTICLE II

With respect to that form of protection granted by national, state or provincial laws establishing civil liability for injuries or for death, and giving to relatives or heirs or dependents of an injured party a right of action or a pecuniary benefit, such relatives or heirs or dependents of the injured party, himself a national of either of the high contracting parties and within any of the territories of the other, shall regardless of their alienage or residence out-

¹See Senate resolution and President's ratification, p. 19.

side of the territory where the injury occurred, enjoy the same rights and privileges as are or may be granted to nationals, and under like conditions.

ARTICLE III

The dwellings, warehouses, manufacturies, shops and other places of business, and all premises thereto appertaining of the nationals of each of the high contracting parties in the territories of the other used for any purposes set forth in Article I, shall be respected. It shall not be allowable to make a domiciliary visit to, or search of any such buildings and premises, or there to examine and inspect books, papers or accounts, except under the conditions and in conformity with the forms prescribed by the laws, ordinances and regulations for nationals.

ARTICLE IV

Where, on the death of any person holding real or other immovable property or interests therein within the territories of one high contracting party, such property or interests therein would, by the laws of the country or by a testamentary disposition, descend or pass to a national of the other high contracting party, whether resident or non-resident, were he not disqualified by the laws of the country where such property or interests therein is or are situated, such national shall be allowed a term of three years in which to sell the same, this term to be reasonably prolonged if circumstances render it necessary, and withdraw the proceeds thereof, without restraint or interference, and exempt from any succession, probate or administrative duties or charges other than those which may be imposed in like cases upon the nationals of the country from which such proceeds may be drawn.

Nationals of either high contracting party may have full power to dispose of their personal property of every kind within the territories of the other, by testament, donation, or otherwise, and their heirs, legatees and donees, of whatsoever nationality, whether resident or non-resident, shall succeed to such personal property, and may take possession thereof, either by themselves or by others acting for them, and retain or dispose of the same at their pleasure subject to the payment of such duties or charges only as the nationals of the high contracting party within whose territories such property may be or belong shall be liable to pay in like cases.

ARTICLE V

The nationals of each of the high contracting parties in the exercise of the right of freedom of worship, within the territories of the other, as hereinabove provided may, without annoyance or molestation of any kind by reason of their religious belief or otherwise, conduct services either within their own houses or within any appropriate buildings which they may be at liberty to erect and maintain in convenient situations, provided their teachings or practices are not contrary to public morals; and they may also be

permitted to bury their dead according to their religious customs in suitable and convenient places established and maintained for the purpose, subject to the reasonable mortuary and sanitary laws and regulations of the place of burial.

ARTICLE VI

In the event of war between either high contracting party and a third State, such party may draft for compulsory military service nationals of the other having a permanent residence within its territories and who have formally, according to its laws, declared an intention to adopt its nationality by naturalization, unless such individuals depart from the territories of said belligerent party within sixty days after a declaration of war.

ARTICLE VII

Between the territories of the high contracting parties there shall be freedom of commerce and navigation. The nationals of each of the high contracting parties equally with those of the most favored nation, shall have liberty freely to come with their vessels and cargoes to all places, ports and waters of every kind within the territorial limits of the other which are or may be open to foreign commerce and navigation. Nothing in this treaty shall be construed to restrict the right of either high contracting party to impose, on such terms as it may see fit, prohibitions or restrictions of a sanitary character designed to protect human, animal or plant life, or regulations for the enforcement of police or revenue laws.

Each of the high contracting parties binds itself unconditionally to impose no higher or other duties or conditions and no prohibition on the importation of any article, the growth, produce or manufacture, of the territories of the other than are or shall be imposed on the importation of any like article, the growth, produce or manufacture of any other foreign country.

Each of the high contracting parties also binds itself unconditionally to impose no higher or other charges or other restrictions or prohibitions on goods exported to the territories of the other high contracting party than are imposed on goods exported to any other foreign country.

Any advantage of whatsoever kind which either high contracting party may extend to any article, the growth, produce, or manufacture of any other foreign country shall simultaneously and unconditionally, without request and without compensation, be extended to the like article the growth, produce or manufacture of the other high contracting party.

All the articles which are or may be legally imported from foreign countries into ports of the United States, in United States vessels, may likewise be imported into those ports in German vessels, without being liable to any other or higher duties or charges whatsoever than if such articles were imported in United States vessels; and, reciprocally, all articles which are or may be legally imported from foreign countries into the ports of Germany,

in German vessels, may likewise be imported into these ports in United States vessels without being liable to any other or higher duties or charges whatsoever than if such were imported from foreign countries in German vessels.¹

With respect to the amount and collection of duties on imports and exports of every kind, each of the two high contracting parties binds itself to give to the nationals, vessels and goods of the other the advantage of every favor, privilege or immunity which it shall have accorded to the nationals, vessels and goods of a third state, and regardless of whether such favored state shall have been accorded such treatment gratuitously or in return for reciprocal compensatory treatment. Every such favor, privilege or immunity which shall hereafter be granted the nationals, vessels or goods of a third state shall simultaneously and unconditionally, without request and without compensation, be extended to the other high contracting party, for the benefit of itself, its nationals and vessels.

The stipulations of this article shall apply to the importation of goods into and the exportation of goods from all areas within the German customs lines, but shall not extend to the treatment which either contracting party shall accord to purely border traffic within a zone not exceeding ten miles (15 kilometers) wide on either side of its customs frontier, or to the treatment which is accorded by the United States to the commerce of Cuba under the provisions of the commercial convention concluded by the United States and Cuba on December 11, 1902, or any other commercial convention which hereafter may be concluded by the United States with Cuba, or to the commerce of the United States with any of its dependencies and the Panama Canal Zone under existing or future laws.

ARTICLE VIII

The nationals and merchandise of each high contracting party within the territories of the other shall receive the same treatment as nationals and merchandise of the country with regard to internal taxes, transit duties, charges in respect to warehousing and other facilities and the amount of drawbacks and bounties.

ARTICLE IX

No duties of tonnage, harbor, pilotage, lighthouse, quarantine, or other similar or corresponding duties or charges of whatever denomination, levied in the name or for the profit of the government, public functionaries, private individuals, corporations or establishments of any kind shall be imposed in the ports of the territories of either country upon the vessels of the other, which shall not equally, under the same conditions, be imposed on national vessels. Such equality of treatment shall apply reciprocally to

¹ See Senate resolution and President's ratification, p. 19.

the vessels of the two countries respectively from whatever place they may arrive and whatever may be their place of destination.¹

ARTICLE X

Merchant vessels and other privately owned vessels under the flag of either of the high contracting parties, and carrying the papers required by its national laws in proof of nationality shall, both within the territorial waters of the other high contracting party and on the high seas, be deemed to be the vessels of the party whose flag is flown.

ARTICLE XI

Merchant vessels and other privately owned vessels under the flag of either of the high contracting parties shall be permitted to discharge portions of cargoes at any port open to foreign commerce in the territories of the other high contracting party, and to proceed with the remaining portions of such cargoes to any other ports of the same territories open to foreign commerce, without paying other or higher tonnage dues or port charges in such cases than would be paid by national vessels in like circumstances, and they shall be permitted to load in like manner at different ports in the same voyage outward, provided, however, that the coasting trade of the United States is exempt from the provisions of this article and from the other provisions of this treaty, and is to be regulated according to the laws of the United States in relation thereto. It is agreed, however, that the nationals of either high contracting party shall within the territories of the other enjoy with respect to the coasting trade the most favored nation treatment.²

ARTICLE XII

Limited liability and other corporations and associations, whether or not for pecuniary profit, which have been or may hereafter be organized in accordance with and under the laws, national, state or provincial, of either high contracting party and maintain a central office within the territories thereof, shall have their juridical status recognized by the other high contracting party provided that they pursue no aims within its territories contrary to its laws. They shall enjoy free access to the courts of law and equity, on conforming to the laws regulating the matter, as well for the prosecution as for the defense of rights in all the degrees of jurisdiction established by law.

The right of such corporations and associations of either high contracting party so recognized by the other to establish themselves within its territories, establish branch offices and fulfill their functions therein shall depend upon, and be governed solely by, the consent of such party as expressed in its national, state, or provincial laws.

¹ See Senate resolution and President's ratification, p. 19.

² See Senate resolution and President's ratification, p. 19.

ARTICLE XIII

The nationals of either high contracting party shall enjoy within the territories of the other, reciprocally and upon compliance with the conditions there imposed, such rights and privileges as have been or may hereafter be accorded the nationals of any other state with respect to the organization of and participation in limited liability and other corporations and associations, for pecuniary profit or otherwise, including the rights of promotion, incorporation, purchase and ownership and sale of shares and the holding of executive or official positions therein. In the exercise of the foregoing rights and with respect to the regulation or procedure concerning the organization or conduct of such corporations or associations, such national shall be subjected to no conditions less favorable than those which have been or may hereafter be imposed upon the nationals of the most favored nation. The rights of any of such corporations or associations as may be organized or controlled or participated in by the nationals of either high contracting party within the territories of the other to exercise any of their functions therein, shall be governed by the laws and regulations, national, state or provincial, which are in force or may hereafter be established within the territories of the party wherein they propose to engage in business. The foregoing stipulations do not apply to the organization of and participation in political associations.

The nationals of either high contracting party shall, moreover, enjoy within the territories of the other, reciprocally and upon compliance with the conditions there imposed, such rights and privileges as have been or may hereafter be accorded the nationals of any other state with respect to the mining of coal, phosphate, oil, oil shale, gas, and sodium on the public domain of the other.

ARTICLE XIV

(a) Manufacturers, merchants, and traders domiciled within the jurisdiction of one of the high contracting parties may operate as commercial travelers either personally or by means of agents or employees within the jurisdiction of the other high contracting party on obtaining from the latter, upon payment of a single fee, a license which shall be valid throughout its entire territorial jurisdiction.

In case either of the high contracting parties shall be engaged in war, it reserves to itself the right to prevent from operating within its jurisdiction under the provisions of this article, or otherwise, enemy nationals or other aliens whose presence it may consider prejudicial to public order and national safety.

(b) In order to secure the license above mentioned the applicant must obtain from the country of domicile of the manufacturers, merchants, and traders represented a certificate attesting his character as a commercial

traveler. This certificate, which shall be issued by the authority to be designated in each country for the purpose, shall be viséed by the consul of the country in which the applicant proposes to operate, and the authorities of the latter shall, upon the presentation of such certificate, issue to the applicant the national license as provided in section (a).

(c) A commercial traveler may sell his samples without obtaining a special license as an importer.

(d) Samples without commercial value shall be admitted to enter free of duty.

Samples marked, stamped or defaced in such manner that they cannot be put to other uses shall be considered as objects without commercial value.

(e) Samples having commercial value shall be provisionally admitted upon giving bond for the payment of lawful duties if they shall not have been withdrawn from the country within a period of six (6) months.

Duties shall be paid on such portion of the samples as shall not have been so withdrawn.

(f) All customs formalities shall be simplified as much as possible with a view to avoid delay in the despatch of samples.

(g) Peddlers and other salesmen who vend directly to the consumer, even though they have not an established place of business in the country in which they operate, shall not be considered as commercial travelers, but shall be subject to the license fees levied on business of the kind which they carry on.

(h) No license shall be required of:

(1) Persons traveling only to study trade and its needs, even though they initiate commercial relations, provided they do not make sales of merchandise.

(2) Persons operating through local agencies which pay the license fee or other imposts to which their business is subject.

(3) Travelers who are exclusively buyers.

(i) Any concessions affecting any of the provisions of the present article that may hereafter be granted by either high contracting party, either by law or by treaty or convention, shall immediately be extended to the other party.

ARTICLE XV

(a) Regulations governing the renewal and transfer of licenses issued under the provisions of Article XIV, and the imposition of fines and other penalties for any misuse of licenses may be made by either of the high contracting parties whenever advisable within the terms of Article XIV and without prejudice to the rights defined therein.

If such regulations permit the renewal of licenses, the fee for renewal will not be greater than that charged for the original license.

If such regulations permit the transfer of licenses, upon satisfactory proof that transferee or assignee is in every sense the true successor of the original

licensee, and that he can furnish a certificate of identification similar to that furnished by the original licensee, he will be allowed to operate as a commercial traveler pending the arrival of the new certificate of identification, but the cancellation of the bond for the samples shall not be effected before the arrival of the said certificate.

(b) It is the citizenship of the firm that the commercial traveler represents, and not his own, that governs the issuance to him of a certificate of identification.

The high contracting parties agree to empower the local customs officials or other competent authorities to issue the said licenses upon surrender of the certificate of identification and authenticated list of samples, acting as deputies of the central office constituted for the issuance and regulation of licenses. The said officials shall immediately transmit the appropriate documentation to the central office, to which the licensee shall thereafter give due notice of his intention to ask for the renewal or transfer of his license, if these acts be allowable, or cancellation of his bond, upon his departure from the country. Due notice in this connection will be regarded as the time required for the exchange of correspondence in the normal mail schedules, plus five business days for purposes of official verification and registration.

(c) It is understood that the traveler will not engage in the sale of other articles than those embraced by his lines of business; he may sell his samples, thus incurring an obligation to pay the customs duties thereupon, but he may not sell other articles brought with him or sent to him, which are not reasonably and clearly representative of the kind of business he purports to represent.

(d) Advertising matter brought by commercial travelers in appropriate quantities shall be treated as samples without commercial value. Objects having a depreciative commercial value because of adaptation for purposes of advertisement, and intended for gratuitous distribution, shall, when introduced in reasonable quantities, also be treated as samples without commercial value. It is understood, however, that this prescription shall be subject to the customs laws of the respective countries. Samples accompanying the commercial traveler will be despatched as a portion of his personal baggage; and those arriving after him will be given precedence over ordinary freight.

(e) If the original license was issued for a period longer than six months, or if the license be renewed, the bond for the samples will be correspondingly extended. It is understood, however, that this prescription shall be subject to the customs laws of the respective countries.

ARTICLE XVI

There shall be complete freedom of transit through the territories including territorial waters of each high contracting party on the routes most convenient for international transit, by rail, navigable waterway, and canal, other

than the Panama Canal and waterways and canals which constitute international boundaries of the United States, to persons and goods coming from or going through the territories of the other high contracting party, except such persons as may be forbidden admission into its territories or goods of which the importation may be prohibited by law. Persons and goods in transit shall not be subjected to any transit duty, or to any unnecessary delays or restrictions, and shall be given national treatment as regards charges, facilities, and all other matters.

Goods in transit must be entered at the proper customhouse, but they shall be exempt from all customs or other similar duties.

All charges imposed on transport in transit shall be reasonable, having regard to the conditions of the traffic.

ARTICLE XVII

Each of the high contracting parties agrees to receive from the other consular officers in those of its ports, places and cities, where it may be convenient and which are open to consular representatives of any foreign country.

Consular officers of each of the high contracting parties shall, after entering upon their duties, enjoy reciprocally in the territories of the other all the rights, privileges, exemptions and immunities which are enjoyed by officers of the same grade of the most favored nation. As official agents, such officers shall be entitled to the high consideration of all officials, national or local, with whom they have official intercourse in the state which receives them.

The government of each of the high contracting parties shall furnish free of charge the necessary exequatur of such consular officers of the other as present a regular commission signed by the chief executive of the appointing state and under its great seal; and it shall issue to a subordinate or substitute consular officer duly appointed by an accepted superior consular officer with the approbation of his government, or by any other competent officer of that government, such documents as according to the laws of the respective countries shall be requisite for the exercise by the appointee of the consular function. On the exhibition of an exequatur, or other document issued in lieu thereof to such subordinate, such consular officer shall be permitted to enter upon his duties and to enjoy the rights, privileges and immunities granted by this treaty.

ARTICLE XVIII

Consular officers, nationals of the state by which they are appointed, shall be exempt from arrest except when charged with the commission of offenses locally designated as crimes other than misdemeanors and subjecting the individual guilty thereof to punishment. Such officers shall be exempt from military billetings, and from service of any military or naval, administrative or police character whatsoever.

In criminal cases the attendance at the trial by a consular officer as a witness may be demanded by the prosecution or defense. The demand shall be made with all possible regard for the consular dignity and the duties of the office; and there shall be compliance on the part of the consular officer.

Consular officers shall be subject to the jurisdiction of the courts in the state which receives them in civil cases, subject to the proviso, however, that when the officer is a national of the state which appoints him and is engaged in no private occupation for gain, his testimony shall be taken orally or in writing at his residence or office and with due regard for his convenience. The officer should, however, voluntarily give his testimony at the trial whenever it is possible to do so without serious interference with his official duties.

ARTICLE XIX

Consular officers, including employees in a consulate, nationals of the state by which they are appointed other than those engaged in private occupations for gain within the state where they exercise their functions shall be exempt from all taxes, national, state, provincial and municipal, levied upon their persons or upon their property, except taxes levied on account of the possession or ownership of immovable property situated in, or income derived from property of any kind situated or belonging within the territories of the state within which they exercise their functions. All consular officers and employees, nationals of the state appointing them shall be exempt from the payment of taxes on the salary, fees or wages received by them in compensation for their consular services.

Lands and buildings situated in the territories of either high contracting party, of which the other high contracting party is the legal or equitable owner and which are used exclusively for governmental purposes by that owner, shall be exempt from taxation of every kind, national, state, provincial and municipal, other than assessments levied for services or local public improvements by which the premises are benefited.

ARTICLE XX

Consular officers may place over the outer door of their respective offices the arms of their state with an appropriate inscription designating the official office. Such officers may also hoist the flag of their country on their offices including those situated in the capitals of the two countries. They may likewise hoist such flag over any boat or vessel employed in the exercise of the consular function.

The consular offices and archives shall at all times be inviolable. They shall under no circumstances be subjected to invasion by any authorities of any character within the country where such offices are located. Nor shall the authorities under any pretext make any examination or seizure of papers or other property deposited within a consular office. Consular offices shall

not be used as places of asylum. No consular officer shall be required to produce official archives in court or testify as to their contents.

Upon the death, incapacity, or absence of a consular officer having no subordinate consular officer at his post, secretaries or chancellors, whose official character may have previously been made known to the government of the state where the consular function was exercised, may temporarily exercise the consular function of the deceased or incapacitated or absent consular officer; and while so acting shall enjoy all the rights, prerogatives and immunities granted to the incumbent.

ARTICLE XXI

Consular officers, nationals of the state by which they are appointed, may, within their respective consular districts, address the authorities, national, state, provincial or municipal, for the purpose of protecting their countrymen in the enjoyment of their rights accruing by treaty or otherwise. Complaint may be made for the infraction of those rights. Failure upon the part of the proper authorities to grant redress or to accord protection may justify interposition through the diplomatic channel, and in the absence of a diplomatic representative, a consul general or the consular officer stationed at the capital may apply directly to the government of the country.

ARTICLE XXII

Consular officers may, in pursuance of the laws of their own country, take, at any appropriate place within their respective districts, the depositions of any occupants of vessels of their own country, or of any national of, or of any person having permanent residence within the territories of, their own country. Such officers may draw up, attest, certify and authenticate unilateral acts, deeds, and testamentary dispositions of their countrymen, and also contracts to which a countryman is a party. They may draw up, attest, certify and authenticate written instruments of any kind purporting to express or embody the conveyance or encumbrance of property of any kind within the territory of the state by which such officers are appointed, and unilateral acts, deeds, testamentary dispositions and contracts relating to property situated, or business to be transacted, within the territories of the state by which they are appointed, embracing unilateral acts, deeds, testamentary dispositions or agreements executed solely by nationals of the state within which such officers exercise their functions.

Instruments and documents thus executed and copies and translations thereof, when duly authenticated under his official seal by the consular officer shall be received as evidence in the territories of the contracting parties as original documents or authenticated copies, as the case may be, and shall have the same force and effect as if drawn by and executed before a notary or other public officer duly authorized in the country by which the consular officer was appointed; provided, always that such documents shall have been

drawn and executed in conformity to the laws and regulations of the country where they are designed to take effect.

ARTICLE XXIII

A consular officer shall have exclusive jurisdiction over controversies arising out of the internal order of private vessels of his country, and shall alone exercise jurisdiction in cases, wherever arising, between officers and crews, pertaining to the enforcement of discipline on board, provided the vessel and the persons charged with wrongdoing shall have entered a port within his consular district. Such an officer shall also have jurisdiction over issues concerning the adjustment of wages and the execution of contracts relating thereto provided the local laws so permit.

When an act committed on board of a private vessel under the flag of the state by which the consular officer has been appointed and within the territorial waters of the state to which he has been appointed constitutes a crime according to the laws of that state, subjecting the person guilty thereof to punishment as a criminal, the consular officer shall not exercise jurisdiction except in so far as he is permitted to do so by the local law.

A consular officer may freely invoke the assistance of the local police authorities in any matter pertaining to the maintenance of internal order on board of a vessel under the flag of his country within the territorial waters of the state to which he is appointed, and upon such a request the requisite assistance shall be given.

A consular officer may appear with the officers and crews of vessels under the flag of his country before the judicial authorities of the state to which he is appointed to render assistance as an interpreter or agent.

ARTICLE XXIV

In case of the death of a national of either high contracting party in the territory of the other without having in the territory of his decease any known heirs or testamentary executors by him appointed, the competent local authorities shall at once inform the nearest consular officer of the state of which the deceased was a national of the fact of his death, in order that necessary information may be forwarded to the parties interested.

In case of the death of a national of either of the high contracting parties without will or testament, in the territory of the other high contracting party, the consular officer of the state of which the deceased was a national and within whose district the deceased made his home at the time of death, shall, so far as the laws of the country permit and pending the appointment of an administrator and until letters of administration have been granted, be deemed qualified to take charge of the property left by the decedent for the preservation and protection of the same. Such consular officer shall have the right to be appointed as administrator within the discretion of a

tribunal or other agency controlling the administration of estates provided the laws of the place where the estate is administered so permit.

Whenever a consular officer accepts the office of administrator of the estate of a deceased countryman, he subjects himself as such to the jurisdiction of the tribunal or other agency making the appointment for all necessary purposes to the same extent as a national of the country where he was appointed.

ARTICLE XXV

A consular officer of either high contracting party may in behalf of his non-resident countrymen receipt for their distributive shares derived from estates in process of probate or accruing under the provisions of so-called workmen's compensation laws or other like statutes provided he remit any funds so received through the appropriate agencies of his government to the proper distributees, and provided further that he furnish to the authority or agency making distribution through him reasonable evidence of such remission.

ARTICLE XXVI

A consular officer of either high contracting party shall have the right to inspect within the ports of the other high contracting party within his consular district, the private vessels of any flag destined or about to clear for ports of the country appointing him in order to observe the sanitary conditions and measures taken on board such vessels, and to be enabled thereby to execute intelligently bills of health and other documents required by the laws of his country, and to inform his government concerning the extent to which its sanitary regulations have been observed at ports of departure by vessels destined to its ports, with a view to facilitating entry of such vessels therein.

ARTICLE XXVII

Each of the high contracting parties agrees to permit the entry free of all duty and without examination of any kind, of all furniture, equipment and supplies intended for official use in the consular offices of the other, and to extend to such consular officers of the other and their families and suites as are its nationals, the privilege of entry free of duty of their baggage and all other personal property, whether accompanying the officer to his post or imported at any time during his incumbency thereof; provided, nevertheless, that no article, the importation of which is prohibited by the law of either of the high contracting parties, may be brought into its territories.

It is understood, however, that this privilege shall not be extended to consular officers who are engaged in any private occupation for gain in the countries to which they are accredited, save with respect to governmental supplies.

ARTICLE XXVIII

All proceedings relative to the salvage of vessels of either high contracting party wrecked upon the coasts of the other shall be directed by the consular officer of the country to which the vessel belongs and within whose district the wreck may have occurred. Pending the arrival of such officer, who shall be immediately informed of the occurrence, the local authorities shall take all necessary measures for the protection of persons and the preservation of wrecked property. The local authorities shall not otherwise interfere than for the maintenance of order, the protection of the interests of the salvors, if these do not belong to the crews that have been wrecked, and to carry into effect the arrangements made for the entry and exportation of the merchandise saved. It is understood that such merchandise is not to be subjected to any customhouse charges, unless it be intended for consumption in the country where the wreck may have taken place.

The intervention of the local authorities in these different cases shall occasion no expense of any kind, except such as may be caused by the operations of salvage and the preservation of the goods saved, together with such as would be incurred under similar circumstances by vessels of the nation.

ARTICLE XXIX

Subject to any limitation or exception hereinabove set forth, or hereafter to be agreed upon, the territories of the high contracting parties to which the provisions of this treaty extend shall be understood to comprise all areas of land, water, and air over which the parties respectively claim and exercise dominion as sovereign thereof, except the Panama Canal Zone; for purposes connected with customs administration the territory of Germany shall be deemed to be co-terminus with the area included within the German customs lines.

ARTICLE XXX

Nothing in the present treaty shall be construed to limit or restrict in any way the rights, privileges and advantages accorded to the United States or its nationals or to Germany or its nationals, by the treaty between the United States and Germany restoring friendly relations, concluded on August 25, 1921.

ARTICLE XXXI

The present treaty shall remain in full force for the term of ten years from the date of the exchange of ratifications, on which date it shall begin to take effect in all of its provisions.

If within one year before the expiration of the aforesaid period of ten years neither high contracting party notifies to the other an intention of modifying, by change or omission, any of the provisions of any of the articles in this treaty or of terminating it upon the expiration of the aforesaid period, the treaty shall remain in full force and effect after the aforesaid

period and until one year from such a time as either of the high contracting parties shall have notified to the other an intention of modifying or terminating the treaty.

ARTICLE XXXII

The present treaty shall be ratified, and the ratifications thereof shall be exchanged at Washington as soon as possible.

In witness whereof the respective plenipotentiaries have signed the same and have affixed their seals hereto.

Done in duplicate, in the English and German languages, at the City of Washington, this 8th day of December, 1923.

[SEAL] CHARLES EVANS HUGHES.

[SEAL] DR. OTTO WIEDFELDT.

Senate Resolution Advising and Consenting to Ratification

IN EXECUTIVE SESSION, SENATE OF THE UNITED STATES

February 10, 1925.

Resolved (Two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of Executive D, 68th Congress, 1st session, a treaty of friendship, commerce and consular rights between the United States and Germany, signed at Washington on December 8, 1923, subject to the following reservations and understandings to be set forth in an exchange of notes between the high contracting parties so as to make it plain that this condition is understood and accepted by each of them:

First, that there shall be added to Article I of said treaty the following: "Nothing herein contained shall be construed to affect existing statutes of either country in relation to the immigration of aliens or the right of either country to enact such statutes."

Second, that the fifth paragraph of Article VII and Articles IX and XI shall remain in force for twelve months from the date of exchange of ratification, and if not then terminated on ninety days previous notice shall remain in force until Congress shall enact legislation inconsistent therewith when the same shall automatically lapse at the end of sixty days from such enactment, and on such lapse each high contracting party shall enjoy all the rights which it would have possessed had such paragraph or articles not been embraced in the treaty.

Attest:

GEORGE A. SANDERSON,
Secretary.

Ratification

CALVIN COOLIDGE,

President of the United States of America

To All to Whom These Presents Shall Come, Greeting:

Know ye, That whereas a treaty of friendship, commerce and consular rights between the United States and Germany was concluded and signed by

their respective plenipotentiaries at Washington on the eighth day of December, one thousand nine hundred and twenty-three, a true copy of which treaty is hereto annexed;

And whereas, the Senate of the United States by their resolution of February 10, 1925, (two-thirds of the Senators present concurring therein) did advise and consent to the ratification of the said treaty subject to certain reservations and understandings to be set forth in an exchange of notes between the high contracting parties, so as to make it plain that this condition is understood and accepted by each of them:

[Here follows the text of the first and second reservations as contained in the Senate resolution printed above.]

And whereas, the said reservations and understandings have been accepted by the two governments in an exchange of notes between the Secretary of State of the United States, dated March 19, 1925, and the German Ambassador at Washington, dated May 21, 1925, subject on the part of Germany to ratification, true copies of which notes are word for word as follows:

EXCELLENCY:

Referring to the treaty of friendship, commerce and consular rights signed by the United States and Germany on December 8, 1923, I beg to inform you that the Senate on February 10, 1925, gave its advice and consent to the ratification of the said treaty in a resolution as follows:

[Here follows the text of the Senate resolution of February 10, 1925, as printed above.]

It will be observed that by this resolution the advice and consent of the Senate to the ratification of the treaty are given subject to certain reservations and understandings.

I shall be glad if when bringing the foregoing resolution to the attention of your government you will inform it that it is the hope of this government that your government will find acceptable the reservations and understandings which the Senate has made a condition of its advice and consent to the ratification of the treaty. You may regard this note as sufficient acceptance by the Government of the United States of these reservations and understandings. An acknowledgment of this note on the occasion of the exchange of ratifications accepting, by direction and on behalf of your government, the said reservations and understandings, will be considered as completing the required exchange of notes and the acceptance by both governments of the reservations and understandings.

Accept, Excellency, the renewed assurance of my highest consideration.

FRANK B. KELLOGG.

His Excellency

Baron AGO VON MALTZAN,
Ambassador of Germany.

[Translation]

MR. SECRETARY OF STATE: I have the honor, in the name and by direction of my government, to acknowledge to Your Excellency the receipt of the note of March 19 of this year concerning the treaty of friendship, commerce and consular rights signed between Germany and the United States on December 8, 1923, and to make the following statement.

The German Government has acquainted itself with the resolution of the American Senate of February 10, 1925, reading as follows:

[Here follows the text of the Senate resolution of February 10, 1925, as printed above.]

Notwithstanding serious fundamental objections to the second resolution of the Senate

referring to navigation, the German Government, for the sake of the success of the treaty, has, subject to ratification, decided to declare that it agrees to the resolution of the Senate.

I avail myself of this opportunity to renew to Your Excellency the assurances of my most distinguished high consideration.

MALTZAN

His Excellency

HON. FRANK B. KELLOGG

The Secretary of State of the United States,
Washington, D. C.

FINAL PROTOCOL OF THE LOCARNO CONFERENCE, 1925 (AND ANNEXES),
TOGETHER WITH TREATIES BETWEEN FRANCE AND POLAND AND FRANCE
AND CZECHOSLOVAKIA¹

*Initialed at Locarno, October 16, 1925; signed at London, December 1, 1925;
not ratified at date of publication herein*

No. 1

Final Protocol of the Locarno Conference, 1925

The representatives of the German, Belgian, British, French, Italian, Polish and Czechoslovak Governments, who have met at Locarno from the 5th to 16th October, 1925, in order to seek by common agreement means for preserving their respective nations from the scourge of war and for providing for the peaceful settlement of disputes of every nature which might eventually arise between them,

Have given their approval to the draft treaties and conventions which respectively affect them and which, framed in the course of the present conference, are mutually interdependent:

Treaty between Germany, Belgium, France, Great Britain and Italy
(Annex A).

Arbitration Convention between Germany and Belgium (Annex B).

Arbitration Convention between Germany and France (Annex C).

Arbitration Treaty between Germany and Poland (Annex D).

Arbitration Treaty between Germany and Czechoslovakia (Annex E).

These instruments, hereby initialed *ne varietur*, will bear to-day's date, the representatives of the interested parties agreeing to meet in London on the 1st December next, to proceed during the course of a single meeting to the formality of the signature of the instruments which affect them.

The Minister for Foreign Affairs of France states that as a result of the draft arbitration treaties mentioned above, France, Poland and Czechoslovakia have also concluded at Locarno draft agreements in order reciprocally to assure to themselves the benefit of the said treaties. These agreements

¹ Translation reprinted from British Parliamentary command paper 2525 (Misc. No. 11, 1925).

will be duly deposited at the League of Nations, but M. Briand holds copies forthwith at the disposal of the Powers represented here.

The Secretary of State for Foreign Affairs of Great Britain proposes that, in reply to certain requests for explanations concerning Article 16 of the Covenant of the League of Nations presented by the Chancellor and the Minister for Foreign Affairs of Germany, a letter, of which the draft is similarly attached (Annex F) should be addressed to them at the same time as the formality of signature of the above-mentioned instruments takes place. This proposal is agreed to.

The representatives of the governments represented here declare their firm conviction that the entry into force of these treaties and conventions will contribute greatly to bring about a moral relaxation of the tension between nations, that it will help powerfully towards the solution of many political or economic problems in accordance with the interests and sentiments of peoples, and that, in strengthening peace and security in Europe, it will hasten on effectively the disarmament provided for in Article 8 of the Covenant of the League of Nations.

They undertake to give their sincere coöperation to the work relating to disarmament already undertaken by the League of Nations and to seek the realization thereof in a general agreement.

Done at Locarno, the 16th October, 1925.

LUTHER.

STRESEMANN.

EMILE VANDERVELDE.

ARI. BRIAND.

AUSTEN CHAMBERLAIN.

BENITO MUSSOLINI.

AL. SKRZYNSKI.

EDUARD BENES.

ANNEX A

Treaty of Mutual Guarantee between Germany, Belgium, France, Great Britain and Italy

The President of the German Reich, His Majesty the King of the Belgians, the President of the French Republic, and His Majesty the King of the United Kingdom of Great Britain and Ireland and of the British Dominions beyond the Seas, Emperor of India, His Majesty the King of Italy;

Anxious to satisfy the desire for security and protection which animates the peoples upon whom fell the scourge of the war of 1914-18;

Taking note of the abrogation of the treaties for the neutralization of Belgium, and conscious of the necessity of ensuring peace in the area which has so frequently been the scene of European conflicts;

Animated also with the sincere desire of giving to all the signatory Powers concerned supplementary guarantees within the framework of the Covenant of the League of Nations and the treaties in force between them;

Have determined to conclude a treaty with these objects, and have appointed as their plenipotentiaries:

Who, having communicated their full powers, found in good and due form, have agreed as follows:

ARTICLE 1

The high contracting parties collectively and severally guarantee, in the manner provided in the following articles, the maintenance of the territorial *status quo* resulting from the frontiers between Germany and Belgium and between Germany and France and the inviolability of the said frontiers as fixed by or in pursuance of the Treaty of Peace signed at Versailles on the 28th June, 1919, and also the observance of the stipulations of Articles 42 and 43 of the said treaty concerning the demilitarized zone.

ARTICLE 2

Germany and Belgium, and also Germany and France, mutually undertake that they will in no case attack or invade each other or resort to war against each other.

This stipulation shall not, however, apply in the case of—

1. The exercise of the right of legitimate defence, that is to say, resistance to a violation of the undertaking contained in the previous paragraph or to a flagrant breach of Articles 42 or 43 of the said Treaty of Versailles, if such breach constitutes an unprovoked act of aggression and by reason of the assembly of armed forces in the demilitarized zone immediate action is necessary.

2. Action in pursuance of Article 16 of the Covenant of the League of Nations.

3. Action as the result of a decision taken by the Assembly or by the Council of the League of Nations or in pursuance of Article 15, paragraph 7, of the Covenant of the League of Nations, provided that in this last event the action is directed against a state which was the first to attack.

ARTICLE 3

In view of the undertakings entered into in Article 2 of the present treaty, Germany and Belgium and Germany and France undertake to settle by peaceful means and in the manner laid down herein all questions of every kind which may arise between them and which it may not be possible to settle by the normal methods of diplomacy:

Any question with regard to which the parties are in conflict as to their respective rights shall be submitted to judicial decision, and the parties undertake to comply with such decision.

All other questions shall be submitted to a conciliation commission. If the proposals of this commission are not accepted by the two parties, the question shall be brought before the Council of the League of Nations, which will deal with it in accordance with Article 15 of the Covenant of the League.

The detailed arrangements for effecting such peaceful settlement are the subject of special agreements signed this day.

ARTICLE 4

1. If one of the high contracting parties alleges that a violation of Article 2 of the present treaty or a breach of Articles 42 or 43 of the Treaty of Versailles has been or is being committed, it shall bring the question at once before the Council of the League of Nations.

2. As soon as the Council of the League of Nations is satisfied that such violation or breach has been committed, it will notify its finding without delay to the Powers signatory of the present treaty, who severally agree that in such case they will each of them come immediately to the assistance of the Power against whom the act complained of is directed.

3. In case of a flagrant violation of Article 2 of the present treaty or of a flagrant breach of Articles 42 or 43 of the Treaty of Versailles by one of the high contracting parties, each of the other contracting parties hereby undertakes immediately to come to the help of the party against whom such a violation or breach has been directed as soon as the said Power has been able to satisfy itself that this violation constitutes an unprovoked act of aggression and that by reason either of the crossing of the frontier or of the outbreak of hostilities or of the assembly of armed forces in the demilitarized zone immediate action is necessary. Nevertheless, the Council of the League of Nations, which will be seized of the question in accordance with the first paragraph of this article, will issue its findings, and the high contracting parties undertake to act in accordance with the recommendations of the Council provided that they are concurred in by all the members other than the representatives of the parties which have engaged in hostilities.

ARTICLE 5

The provisions of Article 3 of the present treaty are placed under the guarantee of the high contracting parties as provided by the following stipulations:

If one of the Powers referred to in Article 3 refuses to submit a dispute to peaceful settlement or to comply with an arbitral or judicial decision and commits a violation of Article 2 of the present treaty or a breach of Articles 42 or 43 of the Treaty of Versailles, the provisions of Article 4 shall apply.

Where one of the Powers referred to in Article 3 without committing a violation of Article 2 of the present treaty or a breach of Articles 42 or 43 of the Treaty of Versailles, refuses to submit a dispute to peaceful settlement or to comply with an arbitral or judicial decision, the other party shall bring the matter before the Council of the League of Nations, and the Council shall propose what steps shall be taken; the high contracting parties shall comply with these proposals.

ARTICLE 6

The provisions of the present treaty do not affect the rights and obligations of the high contracting parties under the Treaty of Versailles or under arrangements supplementary thereto, including the agreements signed in London on the 30th August, 1924.

ARTICLE 7

The present treaty, which is designed to ensure the maintenance of peace, and is in conformity with the Covenant of the League of Nations, shall not be interpreted as restricting the duty of the League to take whatever action may be deemed wise and effectual to safeguard the peace of the world.

ARTICLE 8

The present treaty shall be registered at the League of Nations in accordance with the Covenant of the League. It shall remain in force until the Council, acting on a request of one or other of the high contracting parties notified to the other signatory Powers three months in advance, and voting at least by a two-thirds' majority, decides that the League of Nations ensures sufficient protection to the high contracting parties; the treaty shall cease to have effect on the expiration of a period of one year from such decision.

ARTICLE 9

The present treaty shall impose no obligation upon any of the British dominions, or upon India, unless the government of such dominion, or of India, signifies its acceptance thereof.

ARTICLE 10

The present treaty shall be ratified and the ratifications shall be deposited at Geneva in the archives of the League of Nations as soon as possible.

It shall enter into force as soon as all the ratifications have been deposited and Germany has become a member of the League of Nations.

The present treaty, done in a single copy, will be deposited in the archives of the League of Nations, and the Secretary-General will be requested to transmit certified copies to each of the high contracting parties.

In faith whereof the above-mentioned plenipotentiaries have signed the present treaty.

Done at Locarno, the 16th October, 1925.

LUTHER.

STRESEMANN.

EMILE VANDERVELDE.

A. BRIAND.

AUSTEN CHAMBERLAIN.

BENITO MUSSOLINI.

ANNEX B

Arbitration Convention between Germany and Belgium

The undersigned duly authorized,

Charged by their respective governments to determine the methods by

which, as provided in Article 3 of the treaty concluded this day between Germany, Belgium, France, Great Britain and Italy, a peaceful solution shall be attained of all questions which cannot be settled amicably between Germany and Belgium,

Have agreed as follows:

PART I

ARTICLE 1

All disputes of every kind between Germany and Belgium with regard to which the parties are in conflict as to their respective rights, and which it may not be possible to settle amicably by the normal methods of diplomacy, shall be submitted for decision either to an arbitral tribunal or to the Permanent Court of International Justice, as laid down hereafter. It is agreed that the disputes referred to above include in particular those mentioned in Article 13 of the Covenant of the League of Nations.

This provision does not apply to disputes arising out of events prior to the present convention and belonging to the past.

Disputes for the settlement of which a special procedure is laid down in other conventions in force between Germany and Belgium shall be settled in conformity with the provisions of those conventions.

ARTICLE 2

Before any resort is made to arbitral procedure or to procedure before the Permanent Court of International Justice, the dispute may, by agreement between the parties, be submitted, with a view to amicable settlement, to a permanent international commission styled the Permanent Conciliation Commission, constituted in accordance with the present convention.

ARTICLE 3

In the case of a dispute the occasion of which, according to the municipal law of one of the parties, falls within the competence of the national courts of such party, the matter in dispute shall not be submitted to the procedure laid down in the present convention until a judgment with final effect has been pronounced, within a reasonable time, by the competent national judicial authority.

ARTICLE 4

The Permanent Conciliation Commission mentioned in Article 2 shall be composed of five members, who shall be appointed as follows, that is to say: the German Government and the Belgian Government shall each nominate a commissioner chosen from among their respective nationals, and shall appoint, by common agreement, the three other commissioners from among the nationals of third Powers; these three commissioners must be of different

nationalities, and the German and Belgian Governments shall appoint the president of the commission from among them.

The commissioners are appointed for three years, and their mandate is renewable. Their appointment shall continue until their replacement and, in any case, until the termination of the work in hand at the moment of the expiry of their mandate.

Vacancies which may occur as a result of death, resignation or any other cause shall be filled within the shortest possible time in the manner fixed for the nominations.

ARTICLE 5

The Permanent Conciliation Commission shall be constituted within three months from the entry into force of the present convention.

If the nomination of the commissioners to be appointed by common agreement should not have taken place within the said period, or, in the case of the filling of a vacancy, within three months from the time when the seat falls vacant, the President of the Swiss Confederation shall, in the absence of other agreement, be requested to make the necessary appointments.

ARTICLE 6

The Permanent Conciliation Commission shall be informed by means of a request addressed to the president by the two parties acting in agreement or, in the absence of such agreement, by one or other of the parties.

The request, after having given a summary account of the subject of the dispute, shall contain the invitation to the commission to take all necessary measures with a view to arrive at an amicable settlement.

If the request emanates from only one of the parties, notification thereof shall be made without delay to the other party.

ARTICLE 7

Within fifteen days from the date when the German Government or the Belgian Government shall have brought a dispute before the Permanent Conciliation Commission either party may, for the examination of the particular dispute, replace its commissioner by a person possessing special competence in the matter.

The party making use of this right shall immediately inform the other party; the latter shall in that case be entitled to take similar action within fifteen days from the date when the notification reaches it.

ARTICLE 8

The task of the Permanent Conciliation Commission shall be to elucidate questions in dispute, to collect with that object all necessary information by means of enquiry or otherwise, and to endeavor to bring the parties to an agreement. It may, after the case has been examined, inform the parties

of the terms of settlement which seem suitable to it, and lay down a period within which they are to make their decision.

At the close of its labors the commission shall draw up a report stating, as the case may be, either that the parties have come to an agreement and, if need arises, the terms of the agreement, or that it has been impossible to effect a settlement.

The labors of the commission must, unless the parties otherwise agree, be terminated within six months from the day on which the commission shall have been notified of the dispute.

ARTICLE 9

Failing any special provision to the contrary, the Permanent Conciliation Commission shall lay down its own procedure, which in any case must provide for both parties being heard. In regard to enquiries the commission, unless it decides unanimously to the contrary, shall act in accordance with the provisions of Chapter III (International Commissions of Enquiry) of the Hague Convention of the 18th October, 1907, for the Pacific Settlement of International Disputes.

ARTICLE 10

The Permanent Conciliation Commission shall meet, in the absence of agreement by the parties to the contrary, at a place selected by its president.

ARTICLE 11

The labors of the Permanent Conciliation Commission are not public, except when a decision to that effect has been taken by the commission with the consent of the parties.

ARTICLE 12

The parties shall be represented before the Permanent Conciliation Commission by agents, whose duty it shall be to act as intermediary between them and the commission; they may, moreover, be assisted by counsel and experts appointed by them for that purpose, and request that all persons whose evidence appears to them useful should be heard.

The commission, on its side, shall be entitled to request oral explanations from the agents, counsel and experts of the two parties, as well as from all persons it may think useful to summon with the consent of their government.

ARTICLE 13

Unless otherwise provided in the present convention, the decisions of the Permanent Conciliation Commission shall be taken by a majority.

ARTICLE 14

The German and Belgian Governments undertake to facilitate the labors of the Permanent Conciliation Commission, and particularly to supply it

to the greatest possible extent with all relevant documents and information, as well as to use the means at their disposal to allow it to proceed in their territory and in accordance with their law to the summoning and hearing of witnesses or experts, and to visit the localities in question.

ARTICLE 15

During the labors of the Permanent Conciliation Commission each commissioner shall receive salary, the amount of which shall be fixed by agreement between the German and Belgian Governments, each of which shall contribute an equal share.

ARTICLE 16

In the event of no amicable agreement being reached before the Permanent Conciliation Commission the dispute shall be submitted by means of a special agreement either to the Permanent Court of International Justice under the conditions and according to the procedure laid down by its statute or to an arbitral tribunal under the conditions and according to the procedure laid down by The Hague Convention of the 18th October, 1907, for the Pacific Settlement of International Disputes.

If the parties cannot agree on the terms of the special agreement after a month's notice one or other of them may bring the dispute before the Permanent Court of International Justice by means of an application.

PART II

ARTICLE 17

All questions on which the German and Belgian Governments shall differ without being able to reach an amicable solution by means of the normal methods of diplomacy the settlement of which cannot be attained by means of a judicial decision as provided in Article 1 of the present convention, and for the settlement of which no procedure has been laid down by other conventions in force between the parties, shall be submitted to the Permanent Conciliation Commission, whose duty it shall be to propose to the parties an acceptable solution and in any case to present a report.

The procedure laid down in Articles 6-15 of the present convention shall be applicable.

ARTICLE 18

If the two parties have not reached an agreement within a month from the termination of the labors of the Permanent Conciliation Commission the question shall, at the request of either party, be brought before the Council of the League of Nations, which shall deal with it in accordance with Article 15 of the Covenant of the League.

General Provision

ARTICLE 19

In any case, and particularly if the question on which the parties differ arises out of acts already committed or on the point of commission, the Conciliation Commission or, if the latter has not been notified thereof, the arbitral tribunal or the Permanent Court of International Justice, acting in accordance with Article 41 of its statute, shall lay down within the shortest possible time the provisional measures to be adopted. It shall similarly be the duty of the Council of the League of Nations, if the question is brought before it, to ensure that suitable provisional measures are taken. The German and Belgian Governments undertake respectively to accept such measures, to abstain from all measures likely to have a repercussion prejudicial to the execution of the decision or to the arrangements proposed by the Conciliation Commission or by the Council of the League of Nations, and in general to abstain from any sort of action whatsoever which may aggravate or extend the dispute.

ARTICLE 20

The present convention continues applicable as between Germany and Belgium, even when other Powers are also interested in the dispute.

ARTICLE 21

The present convention shall be ratified. Ratifications shall be deposited at Geneva with the League of Nations at the same time as the ratifications of the treaty concluded this day between Germany, Belgium, France, Great Britain and Italy.

It shall enter into and remain in force under the same conditions as the said treaty.

The present convention, done in a single copy, shall be deposited in the archives of the League of Nations, the Secretary-General of which shall be requested to transmit certified copies to each of the two contracting Governments.

Done at Locarno the 16th October, 1925.

STR.

E. V.

ANNEX C

Arbitration Convention between Germany and France

[This convention is the same, word for word, as the preceding arbitration convention between Germany and Belgium, except for the necessary substitution throughout of France for Belgium. It is initialled STR. and A. B.]

ANNEX D

Arbitration Treaty between Germany and Poland

The President of the German Empire and the President of the Polish Republic;

Equally resolved to maintain peace between Germany and Poland by assuring the peaceful settlement of differences which might arise between the two countries;

Declaring that respect for the rights established by treaty or resulting from the law of nations is obligatory for international tribunals;

Agreeing to recognize that the rights of a state cannot be modified save with its consent;

And considering that sincere observance of the methods of peaceful settlement of international disputes permits of resolving, without recourse to force, questions which may become the cause of division between states;

Have decided to embody in a treaty their common intentions in this respect, and have named as their plenipotentiaries the following:

Who, having exchanged their full powers, found in good and due form, are agreed upon the following articles:

[Articles 1 to 20, inc., of this treaty are the same as Articles 1 to 20, inc., of the preceding arbitration convention between Germany and Belgium, except for the necessary substitution throughout of Poland for Belgium.]

ARTICLE 21

The present treaty, which is in conformity with the Covenant of the League of Nations, shall not in any way affect the rights and obligations of the high contracting parties as members of the League of Nations and shall not be interpreted as restricting the duty of the League to take whatever action may be deemed wise and effectual to safeguard the peace of the world.

ARTICLE 22

The present treaty shall be ratified. Ratifications shall be deposited at Geneva with the League of Nations at the same time as the ratifications of the treaty concluded this day between Germany, Belgium, France, Great Britain and Italy.

It shall enter into and remain in force under the same conditions as the said treaty.

The present treaty, done in a single copy, shall be deposited in the archives of the League of Nations, the Secretary-General of which shall be requested to transmit certified copies to each of the high contracting parties.

Done at Locarno the 16th October, 1925.

STR.

A. S.

ANNEX E

Arbitration Treaty between Germany and Czechoslovakia

[This treaty is the same, word for word, as the preceding arbitration treaty between Germany and Poland, except for the necessary substitution throughout of Czechoslovakia for Poland. It is initialled STR. and DR. B.]

ANNEX F

Draft Collective Note to Germany regarding Article 16 of the Covenant of the League of Nations

The German delegation has requested certain explanations in regard to Article 16 of the Covenant of the League of Nations.

We are not in a position to speak in the name of the League, but in view of the discussions which have already taken place in the Assembly and in the commissions of the League of Nations, and after the explanations which have been exchanged between ourselves, we do not hesitate to inform you of the interpretation which, in so far as we are concerned, we place upon Article 16.

In accordance with that interpretation the obligations resulting from the said article on the members of the League must be understood to mean that each state member of the League is bound to coöperate loyally and effectively in support of the Covenant and in resistance to any act of aggression to an extent which is compatible with its military situation and takes its geographical position into account.

E. V.

A. B.

A. C.

B. M.

DR. B.

A. S.

No. 2

Treaty between France and Poland

The President of the French Republic and the President of the Polish Republic;

Equally desirous to see Europe spared from war by a sincere observance of the undertakings arrived at this day with a view to the maintenance of general peace;

Have resolved to guarantee their benefits to each other reciprocally by a treaty concluded within the framework of the Covenant of the League of Nations and of the treaties existing between them;

And have to this effect nominated for their plenipotentiaries:

Who, after having exchanged their full powers, found in good and due form, have agreed on the following provisions:

ARTICLE 1

In the event of Poland or France suffering from a failure to observe the undertakings arrived at this day between them and Germany with a view

to the maintenance of general peace, France, and reciprocally Poland, acting in application of Article 16 of the Covenant of the League of Nations, undertake to lend each other immediately aid and assistance, if such a failure is accompanied by an unprovoked recourse to arms.

In the event of the Council of the League of Nations, when dealing with a question brought before it in accordance with the said undertakings, being unable to succeed in making its report accepted by all its members other than the representatives of the parties to the dispute, and in the event of Poland or France being attacked without provocation, France, or reciprocally Poland, acting in application of Article 15, paragraph 7, of the Covenant of the League of Nations, will immediately lend aid and assistance.

ARTICLE 2

Nothing in the present treaty shall affect the rights and obligations of the high contracting parties as members of the League of Nations, or shall be interpreted as restricting the duty of the League to take whatever action may be deemed wise and effectual to safeguard the peace of the world.

ARTICLE 3

The present treaty shall be registered with the League of Nations, in accordance with the Covenant.

ARTICLE 4

The present treaty shall be ratified. The ratifications will be deposited at Geneva with the League of Nations at the same time as the ratification of the treaty concluded this day between Germany, Belgium, France, Great Britain and Italy, and the ratification of the treaty concluded at the same time between Germany and Poland.

It will enter into force and remain in force under the same conditions as the said treaties.

The present treaty done in a single copy will be deposited in the archives of the League of Nations, and the Secretary-General of the League will be requested to transmit certified copies to each of the high contracting parties.

Done at Locarno the 16th October, 1925.

No. 3

Treaty between France and Czechoslovakia

[This treaty is the same, word for word, as the preceding treaty between France and Poland, except for the necessary substitution throughout of Czechoslovakia for Poland.]

THE PAN AMERICAN SANITARY CODE¹

Signed at Havana, November 14, 1924; ratification of the United States deposited with the Government of Cuba, April 13, 1925

The presidents of Argentine, Brazil, Chile, Colombia, Costa Rica, Cuba, Dominican Republic, Guatemala, Haiti, Honduras, Mexico, Salvador, Panama, Paraguay, Peru, United States of America, Uruguay and Venezuela, being desirous of entering into a sanitary convention for the purpose of better promoting and protecting the public health of their respective nations, and particularly to the end that effective coöperative international measures may be applied for the prevention of the international spread of the communicable infections of human beings and to facilitate international commerce and communication, have appointed as their plenipotentiaries, to-wit:

[Here follow the names of the plenipotentiaries as they appear in the signatures to the convention.]

Who, having exchanged their full powers, found in good and due form, have agreed to adopt, *ad referendum*, the following

CHAPTER I. OBJECTS OF THE CODE AND DEFINITIONS OF TERMS USED THEREIN

ARTICLE 1. The objects of this code are:

(a) The prevention of the international spread of communicable infections of human beings.

(b) The promotion of coöperative measures for the prevention of the introduction and spread of disease into and from the territories of the signatory governments.

(c) The standardization of the collection of morbidity and mortality statistics by the signatory governments.

(d) The stimulation of the mutual interchange of information which may be of value in improving the public health, and combating the diseases of man.

(e) The standardization of the measures employed at places of entry, for the prevention of the introduction and spread of the communicable diseases of man, so that greater protection against them shall be achieved and unnecessary hindrance to international commerce and communication eliminated.

ART. 2. DEFINITIONS. As herein used, the following words and phrases shall be taken in the sense hereinbelow indicated, except as a different meaning for the word or phrase in question may be given in a particular article, or is plainly to be collected from the context or connection where the term is used.

¹ U. S. Treaty Series, No. 714.

AIRCRAFT.—Any vehicle which is capable of transporting persons or things through the air, including aeroplanes, seaplanes, gliders, helicopters, air ships, balloons and captive balloons.

AREA.—A well determined portion of territory.

DISINFECTION.—The act of rendering free from the causal agencies of disease.

FUMIGATION.—A standard process by which the organisms of disease or their potential carriers are exposed to a gas in lethal concentrations.

INDEX, *Aedes aegypti*.—The percentage ratio determined after examination between the number of houses in a given area and the number in which larvae or mosquitoes of the *Aedes aegypti* are found, in a fixed period of time.

INSPECTION.—The act of examining persons, buildings, areas, or things which may be capable of harboring, transmitting or transporting the infectious agents of disease, or of propagating or favoring the propagation of such agents. Also the act of studying and observing measures put in force for the suppression or prevention of disease.

INCUBATION, PERIOD OF.—For plague, cholera and yellow fever, each 6 days, for smallpox, 14 days, and for typhus fever 12 days.

ISOLATION.—The separation of human beings or animals from other human beings or animals in such manner as to prevent the interchange of disease.

PLAGUE.—Bubonic, septicemic, pneumonic or rodent plague.

PORT.—Any place or area where a vessel or aircraft may seek harbor, discharge or receive passengers, crew, cargo or supplies.

RODENTS.—Rats, domestic and wild, and other rodents.

CHAPTER II

SECTION 1. *Notification and subsequent communications to other countries*

ART. 3. Each of the signatory governments agrees to transmit to each of the other signatory governments and to the Pan American Sanitary Bureau, at intervals of not more than two weeks, a statement containing information as to the state of its public health, particularly that of its ports.

The following diseases are obligatorily reportable:

Plague, cholera, yellow fever, smallpox, typhus, epidemic cerebro-spinal meningitis, acute epidemic poliomyelitis, epidemic lethargic encephalitis, influenza or epidemic la grippe, typhoid and paratyphoid fevers, and such other diseases as the Pan American Sanitary Bureau may, by resolution, add to the above list.

ART. 4. Each signatory government agrees to notify adjacent countries and the Pan American Sanitary Bureau immediately by the most rapid available means of communication, of the appearance in its territory of an authentic or officially suspected case or cases of plague, cholera, yellow fever, smallpox, typhus or any other dangerous contagion liable to be spread through the intermediary agency of international commerce.

ART. 5. This notification is to be accompanied, or very promptly followed, by the following additional information:

1. The area where the disease has appeared.
2. The date of its appearance, its origin, and its form.
3. The probable source or country from which introduced and manner of introduction.
4. The number of confirmed cases, and number of deaths.
5. The number of suspected cases and deaths.
6. In addition, for plague, the existence among rodents of plague, or of an unusual mortality among rodents; for yellow fever, the *Aedes aegypti* index of the locality.
7. The measures which have been applied for the prevention of the spread of the disease, and its eradication.

ART. 6. The notification and information prescribed in Articles 4 and 5 are to be addressed to diplomatic or consular representatives in the capital of the infected country, and to the Pan American Sanitary Bureau at Washington, which shall immediately transmit the information to all countries concerned.

ART. 7. The notification and the information prescribed in Articles 3, 4, 5, and 6 are to be followed by further communications in order to keep other governments informed as to the progress of the disease or diseases. These communications will be made at least once weekly, and will be as complete as possible, indicating in detail the measures employed to prevent the extension of the disease. The telegraph, the cable, and the radio will be employed for this purpose, except in those instances in which the data may be transmitted rapidly by mail. Reports by telegraph, cable or radio will be confirmed by letter. Neighboring countries will endeavor to make special arrangements for the solution of local problems that do not involve widespread international interest.

ART. 8. The signatory governments agree that in the event of the appearance of any of the following diseases, namely: cholera, yellow fever, plague, typhus fever or other pestilential diseases in severe epidemic form, in their territory, they will immediately put in force appropriate sanitary measures for the prevention of the international carriage of any of the said diseases therefrom by passengers, crew, cargo and vessels, and mosquitoes, rats and vermin that may be carried thereon, and will promptly notify each of the other signatory governments and the Pan American Sanitary Bureau as to the nature and extent of the sanitary measures which they have applied for the accomplishment of the requirements of this article.

SECTION 2. *Publication of prescribed measures*

ART. 9. Information of the first non-imported case of plague, cholera, or yellow fever justifies the application of sanitary measures against an area where said disease may have appeared.

ART. 10. The government of each country obligates itself to publish immediately the preventive measures which will be considered necessary to be taken by vessels or other means of transport, passengers and crew at any port of departure or place located in the infected area. The said publication is to be communicated at once to the accredited diplomatic or consular representatives of the infected country, and to the Pan American Sanitary Bureau. The signatory government also obligate themselves to make known in the same manner the revocation of these measures, or of modifications thereof that may be made.

ART. 11. In order that an area may be considered to be no longer infected, it must be officially established:

1. That there has neither been a death nor a new case as regards plague or cholera for ten days; and as regards yellow fever for twenty days, either since the isolation, or since the death or recovery of the last patient.

2. That all means for the eradication of the disease have been applied and, in the case of plague, that effective measures against rats have been continuously carried out, and that the disease has not been discovered among them within six months; in the case of yellow fever, that *Aedes aegypti* index of the infected area has been maintained at an average of not more than 2 per cent for the 30-day period immediately preceding, and that no portion of the infected area has had an index in excess of 5 per cent for the same period of time.

SECTION 3. *Morbidity and mortality statistics*

ART. 12. The international classification of the causes of death is adopted as the Pan American Classification of the Causes of Death, and shall be used by the signatory nations in the interchange of mortality and morbidity reports.

ART. 13. The Pan American Sanitary Bureau is hereby authorized and directed to republish from time to time the Pan American Classification of the Causes of Death.

ART. 14. Each of the signatory governments agrees to put in operation at the earliest practicable date a system for the collection and tabulation of vital statistics which shall include:

1. A central statistical office presided over by a competent official.
2. The establishment of regional statistical offices.
3. The enactment of laws, decrees or regulations requiring the prompt reporting of births, deaths and communicable diseases, by health officers, physicians, midwives and hospitals, and providing penalties for failure to make such reports.

ART. 15. The Pan American Sanitary Bureau shall prepare and publish standard forms for the reporting of deaths and cases of communicable disease, and all other vital statistics.

CHAPTER III. SANITARY DOCUMENTS

SECTION 1. *Bills of health*

ART. 16. The master of any vessel or aircraft which proceeds to a port of any of the signatory governments, is required to obtain at the port of departure and ports of call, a bill of health, in duplicate, issued in accordance with the information set forth in the appendix and adopted as the standard bill of health.

ART. 17. The bill of health will be accompanied by a list of the passengers, and stowaways if any, which shall indicate the port where they embarked and the port to which they are destined, and a list of the crew.

ART. 18. Consuls and other officials signing or countersigning bills of health should keep themselves accurately informed with respect to the sanitary conditions of their ports, and the manner in which this code is obeyed by vessels and their passengers and crews while therein. They should have accurate knowledge of local mortality and morbidity, and of sanitary conditions which may affect vessels in port. To this end, they shall be furnished with information they request pertaining to sanitary records, harbors and vessels.

ART. 19. The signatory governments may assign medical or sanitary officers as public health attaches to embassies or legations, and as representatives to international conferences.

ART. 20. If at the port of departure there be no consul or consular agent of the country of destination, the bill of health may be issued by the consul or consular agent of a friendly government authorized to issue such bill of health.

ART. 21. The bill of health should be issued not to exceed forty-eight hours before the departure of the ship to which it is issued. The sanitary visa should not be given more than twenty-four hours before departure.

ART. 22. Any erasure or alteration of a bill of health shall invalidate the document, unless such alteration or erasure shall be made by competent authority, and notation thereof appropriately made.

ART. 23. A clean bill of health is one which shows the complete absence in the port of departure of cholera, yellow fever, plague, typhus fever, or of other pestilential disease in severe epidemic form, liable to be transported by international commerce. Provided, that the presence only of bona fide imported cases of such disease, when properly isolated, shall not compel the issuance of a foul bill of health, but notation of the presence of such cases will be made under the heading of "Remarks" on the Bill of health.

ART. 24. A foul bill of health is one which shows the presence of non-imported cases of any of the diseases referred to in Art. 23.

ART. 25. Specific bills of health are not required of vessels which, by reason of accident, storm or other emergency condition, including wireless change of itinerary, are obliged to put into ports other than their original

destinations but such vessels shall be required to exhibit such bills of health as they possess.

ART. 26. It shall be the duty of the Pan American Sanitary Bureau to publish appropriate information which may be distributed by port health officers, for the purpose of instructing owners, agents and master of vessels as to the methods which should be put in force by them for the prevention of the international spread of disease.

SECTION 2. *Other sanitary documents*

ART. 27. Every vessel carrying a medical officer will maintain a sanitary log which will be kept by him, and he will record therein daily: the sanitary condition of the vessel, and its passengers and crew; a record showing the names of passengers and crew which have been vaccinated by him; name, age, nationality, home address, occupation and nature of illness or injury of all passengers and crew treated during the voyage; the source and sanitary quality of the drinking water of the vessel, the place where taken on board, and the method in use on board for its purification; sanitary conditions, observed in ports visited during the voyage; the measures taken to prevent the ingress and egress of rodents to and from the vessel; the measures which have been taken to protect the passengers and crew against mosquitoes, other insects, and vermin. The sanitary log will be signed by the master and medical officer of the vessel, and will be exhibited upon the request of any sanitary or consular officer. In the absence of a medical officer, the master shall record the above information in the log of the vessel, in so far as possible.

ART. 28. Equal or similar forms for Quarantine Declarations, Certificate of Fumigation, and Certificate of Vaccination, set forth in the appendix, are hereby adopted as standard forms.

CHAPTER IV. CLASSIFICATION OF PORTS

ART. 29. An infected port is one in which any of the following diseases exist, namely, plague, cholera, yellow fever, or other pestilential disease in severe epidemic form.

ART. 30. A suspected port, is a port in which, or in the areas contiguous thereto, a non-imported case or cases of any of the diseases referred to in Art. 23, have occurred within sixty days, or which has not taken adequate measures to protect itself against such diseases, but which is not known to be an infected port.

ART. 31. A clean port, Class A, is one in which the following conditions are fulfilled:

1. The absence of non-imported cases of any of the diseases referred to in Art. 23, in the port itself and in the areas contiguous thereto.
2. (a) The presence of a qualified and adequate health staff.
(b) Adequate means of fumigation.

(c) Adequate personnel and material for the capture or destruction of rodents.

(d) An adequate bacteriological and pathological laboratory.

(e) A safe water supply.

(f) Adequate means for the collection of mortality and morbidity data.

(g) Adequate facilities for the isolation of suspects and the treatment of infectious diseases.

(h) Signatory governments shall register in the Pan-American Sanitary Bureau those places that comply with these conditions.

ART. 32. A clean port, Class B, is one in which the conditions described in Art. 31, 1 and 2 (a) above, are fulfilled, but in which one or more of the requirements of Art. 31, 2 are not fulfilled.

ART. 33. An unclassified port is one with regard to which the information concerning the existence or non-existence of any of the diseases referred to in Art. 23, and the measures which are being applied for the control of such diseases, is not sufficient to classify such port.

An unclassified port shall be provisionally considered as a suspected or infected port, as the information available in each case may determine, until definitely classified.

ART. 34. The Pan American Sanitary Bureau shall prepare and publish, at intervals, a tabulation of the most commonly used ports of the Western Hemisphere, giving information as to sanitary conditions.

CHAPTER V. CLASSIFICATION OF VESSELS

ART. 35. A clean vessel is one coming from a clean port, Class A or B, which has had no case of plague, cholera, yellow fever, smallpox or typhus aboard during the voyage, and which has complied with the requirements of this code.

ART. 36. An infected or suspected vessel is:

1. One which has had on board during the voyage a case or cases of any of the diseases mentioned in Art. 35.

2. One which is from an infected or suspected port.

3. One which is from a port where plague or yellow fever exists.

4. Any vessel on which there has been mortality among rats.

5. A vessel which has violated any of the provisions of this code.

Provided that the sanitary authorities should give due consideration in applying sanitary measures to a vessel that has not docked.

ART. 37. Any master or owner of any vessel, or any person violating any provisions of this code or violating any rule or regulation made in accordance with this code, relating to the inspection of vessels, the entry or departure from any quarantine station, grounds or anchorages, or trespass thereon, or to the prevention of the introduction of contagious or infectious disease into any of the signatory countries, or any master, owner, or agent of a vessel making a false statement relative to the sanitary condition of a

vessel, or its contents, or as to the health of any passenger, or person thereon, or who interferes with a quarantine or health officer in the proper discharge of his duty, or fails or refuses to present bills of health, or other sanitary document, or pertinent information to a quarantine or health officer, shall be punished in accordance with the provisions of such laws, rules or regulations, as may be or may have been enacted, or promulgated, in accordance with the provisions of this code, by the government of the country within whose jurisdiction the offense is committed.

CHAPTER VI. THE TREATMENT OF VESSELS

ART. 38. Clean vessels will be granted pratique by the port health authority upon acceptable evidence that they properly fulfill the requirements of Art. 35.

ART. 39. Suspected vessels will be subjected to necessary sanitary measures to determine their actual condition.

ART. 40. Vessels infected with any of the diseases referred to in Art. 23 shall be subjected to such sanitary measures as will prevent the continuance thereon, and the spread therefrom, of any of said diseases to other vessels or ports. The disinfection of cargo, stores and personal effects shall be limited to the destruction of the vectors of disease which may be contained therein, provided that things which have been freshly soiled with human excretions capable of transmitting disease, shall always be disinfected. Vessels on which there is undue prevalence of rats, mosquitoes, lice, or any other potential vector of communicable disease, may be disinfected irrespective of the classification of the vessel.

ART. 41. Vessels infected with plague shall be subjected to the following treatment.

1. The vessel shall be held for observation and necessary treatment.
2. The sick, if any, shall be removed and placed under appropriate treatment in isolation.
3. The vessel shall be simultaneously fumigated throughout for the destruction of rats. In order to render fumigation more effective, cargo may be wholly or partially discharged prior to such fumigation, but care will be taken to discharge no cargo which might harbor rats,¹ except for fumigation.
4. All rats recovered after fumigation should be examined bacteriologically.
5. Healthy contacts, except those actually exposed to cases of pneumonic plague, will not be detained in quarantine.

¹ Explanatory Footnote.—The nature of the goods or merchandise likely to harbor rats (plague suspicious cargo), shall, for purpose of this section, be deemed to be the following, namely; rice or other grain (exclusive of flour); oilcake in sacks, beans in mats or sacks; goods packed in crates with straw or similar packing material; matting in bundles; dried vegetables in baskets or cases; dried and salted fish; peanuts in sacks; dry ginger; curios, etc., in fragile cases, copra, loose hemp in bundles; coiled rope in sacking kapok, maize in bags, sea grass in bales; tiles, large pipes and similar articles, and bamboo poles in bundles.

6. The vessel will not be granted pratique until it is reasonably certain that it is free from rats and vermin.

ART. 42. Vessels infected with cholera shall be subjected to the following treatment.

1. The vessels shall be held for observation and necessary treatment.
2. The sick, if any, shall be removed and placed under appropriate treatment in isolation.
3. All persons on board shall be subjected to bacteriological examination, and shall not be admitted to entry until demonstrated free from cholera vibrios.
4. Appropriate disinfection shall be performed.

ART. 43. Vessels infected with yellow fever shall be subjected to the following treatment.

1. The vessel shall be held for observation and necessary treatment.
2. The sick if any, shall be removed and placed under appropriate treatment in isolation from *Aedes aegypti* mosquitoes.
3. All persons on board non-immune to yellow fever shall be placed under observation to complete six days from the last possible exposure to *Aedes aegypti* mosquitoes.
4. The vessel shall be freed from *Aedes aegypti* mosquitoes.

ART. 44. Vessels infected with smallpox shall be subjected to the following treatment.

1. The vessels shall be held for observation and necessary treatment.
2. The sick, if any, shall be removed and placed under appropriate treatment in isolation.
3. All persons on board shall be vaccinated. As an option the passenger may elect to undergo isolation to complete fourteen days from the last possible exposure to the disease.
4. All living quarters of the vessels shall be rendered mechanically clean, and used clothing and bedding of the patient disinfected.

ART. 45. Vessels infected with typhus shall be subjected to the following treatment:

1. The vessel shall be held for observation and necessary treatment.
2. The sick, if any, shall be removed and placed under appropriate treatment in isolation from lice.
3. All persons on board and their personal effects shall be deloused.
4. All persons on board who have been exposed to the infection shall be placed under observation to complete twelve days from the last possible exposure to the infection.
5. The vessel shall be deloused.

ART. 46. The time of detention of vessels for inspection or treatment shall be the least consistent with public safety and scientific knowledge. It is the duty of port health officers to facilitate the speedy movement of vessels to the utmost compatible with the foregoing.

ART. 47. The power and authority of quarantine will not be utilized for financial gain, and no charges for quarantine services will exceed actual cost plus a reasonable surcharge for administrative expenses and fluctuations in the market prices of materials used.

CHAPTER VII. FUMIGATION STANDARDS

ART. 48. Sulphur dioxide, hydrocyanic acid and cyanogen chloride gas mixture shall be considered as standard fumigants when used in accordance with the table set forth in the appendix, as regards hours of exposure and of quantities of fumigants per 1,000 cubic feet.

ART. 49. Fumigation of ships to be most effective should be performed periodically and preferably at six months intervals, and should include the entire vessel and its lifeboats. The vessels should be free of cargo.

ART. 50. Before the liberation of hydrogen cyanide or cyanogen chloride, all personnel of the vessel will be removed, and care will be observed that all compartments are rendered as nearly gas tight as possible.

CHAPTER VIII. MEDICAL OFFICERS OF VESSELS

ART. 51. In order to better protect the health of travelers by sea, to aid in the prevention of the international spread of disease and to facilitate the movement of international commerce and communication, the signatory governments are authorized in their discretion to license physicians employed on vessels.

ART. 52. It is recommended that license not issue unless the applicant therefor is a graduate in medicine from a duly chartered and recognized school of medicine, is the holder of an unrepealed license to practice medicine, and has successfully passed an examination as to his moral and mental fitness to be the surgeon or medical officer of a vessel. Said examination shall be set by the directing head of the national health service, and shall require of the applicant a competent knowledge of medicine and surgery. Said directing head of the national health service may issue a license to an applicant who successfully passes the examination, and may revoke said license upon conviction of malpractice, unprofessional conduct, offenses involving moral turpitude or infraction of any of the sanitary laws or regulations of any of the signatory governments based upon the provisions of this code.

ART. 53. When duly licensed as aforesaid, said surgeons or medical officers of vessels may be utilized in aid of inspection as defined in this code.

CHAPTER IX. THE PAN AMERICAN SANITARY BUREAU

Functions and Duties

ART. 54. The organization, functions and duties of the Pan American Sanitary Bureau shall include those heretofore determined for the International Sanitary Bureau by the various international sanitary and other

conferences of American Republics, and such additional administrative functions and duties as may be hereafter determined by Pan American Sanitary Conferences.

ART. 55. The Pan American Sanitary Bureau shall be the central coördinating sanitary agency of the various member Republics of the Pan American Union, and the general collection and distribution center of sanitary information to and from said republics. For this purpose it shall, from time to time, designate representatives to visit and confer with the sanitary authorities of the various signatory governments on public health matters, and such representatives shall be given all available sanitary information in the countries visited by them in the course of their official visits and conferences.

ART. 56. In addition, the Pan American Sanitary Bureau shall perform the following specific functions:

To supply to the sanitary authorities of the signatory governments through its publications, or in other appropriate manner, all available information relative to the actual status of the communicable diseases of man, new invasions of such diseases, the sanitary measures undertaken, and the progress effected in the control or eradication of such diseases; new methods for combating disease; morbidity and mortality statistics; public health organization and administration; progress in any of the branches of preventive medicine, and other pertinent information relative to sanitation and public health in any of its phases, including a bibliography of books and periodicals on public hygiene.

In order to more efficiently discharge its functions, it may undertake coöperative epidemiological and other studies; may employ at headquarters and elsewhere, experts for this purpose; may stimulate and facilitate scientific researches and the practical application of the results therefrom; and may accept gifts, benefactions and bequests, which shall be accounted for in the manner now provided for the maintenance funds of the bureau.

ART. 57. The Pan American Sanitary Bureau shall advise and consult with the sanitary authorities of the various signatory governments relative to public health problems, and the manner of interpreting and applying the provisions of this code.

ART. 58. Officials of the national health services may be designated as representatives, ex-officio, of the Pan American Sanitary Bureau, in addition to their regular duties, and when so designated they may be empowered to act as sanitary representatives of one or more of the signatory governments when properly designated and accredited to so serve.

ART. 59. Upon request of the sanitary authorities of any of the signatory governments, the Pan American Sanitary Bureau is authorized to take the necessary preparatory steps to bring about an exchange of professors, medical and health officers, experts or advisers in public health of any of the sanitary

sciences, for the purpose of mutual aid and advancement in the protection of the public health of the signatory governments.

ART. 60. For the purpose of discharging the functions and duties imposed upon the Pan American Sanitary Bureau, a fund of not less than \$50,000 shall be collected by the Pan American Union, apportioned among the signatory governments on the same basis as are the expenses of the Pan American Union.

CHAPTER X. AIRCRAFT

ART. 61. The provisions of this convention shall apply to aircraft, and the signatory governments agree to designate landing places for aircraft which shall have the same status as quarantine anchorages.

CHAPTER XI. SANITARY CONVENTION OF WASHINGTON

ART. 62. The provisions of Articles 5, 6, 13, 14, 15, 16, 17, 18, 25, 30, 32, 33, 34, 37, 38, 39, 40, 41, 42, 43, 44, 45, 49, and 50, of the Pan American Sanitary Convention concluded in Washington on October 14, 1905, are hereby continued in full force and effect,¹ except in so far as they may be in conflict with the provisions of this convention.

CHAPTER XII

Be it understood that this code does not in any way abrogate or impair the validity or force of any existing treaty convention or agreement between any of the signatory governments and any other government.

CHAPTER XIII. TRANSITORY DISPOSITION

ART. 63. The governments which may not have signed the present convention are to be admitted to adherence thereto upon demand, notice of this adherence to be given through diplomatic channels to the Government of the Republic of Cuba.

Made and signed in the city of Havana, on the fourteenth day of the month of November, 1924, in two copies, in English and Spanish, respectively, which shall be deposited with the Department of Foreign Relations of the Republic of Cuba, in order that certified copies thereof, in both English and Spanish, may be made for transmission through diplomatic channels to each of the signatory governments.

By the Republic of Argentina:

GREGORIO ARAOZ ALFARO.

JOAQUIN LLAMBIAS.

By the United States of Brazil:

NASCIMENTO GURGEL.

RAUL ALMEIDA MAGALHAES.

¹ See Annex, p. 47, *infra*.

By the Republic of Chile:

CARLOS GRAF.

By the Republic of Colombia:

R. GUTIERREZ LEE.

By the Republic of Costa Rica:

JOSÉ VARELA ZEQUEIRA.

By the Republic of Cuba:

MARIO G. LEBREDO.

JOSÉ A. LOPEZ DEL VALLE.

HUGO ROBERTS.

DIEGO TAMAYO.

FRANCISCO M. FERNANDEZ.

DOMINGO F. RAMOS.

By the Republic of El Salvador:

LEOPOLDO PAZ.

By the United States of America:

HUGH S. CUMMING.

RICHARD CREEL.

P. D. CRONIN.

By the Republic of Guatemala:

JOSÉ DE CUBAS Y SERRATE.

By the Republic of Haiti:

CHARLES MATHON.

By the Republic of Honduras:

ARISTIDES AGRAMONTE.

By the Republic of Mexico:

ALFONSO PRUNEDA.

By the Republic of Panama:

JAIME DE LA GUARDIA.

By the Republic of Paraguay:

ANDRES GUBETICH.

By the Republic of Peru:

CARLOS E. PAZ SOLDAN.

By the Dominican Republic:

R. PEREZ CABRAL.

By the Republic of Uruguay:

JUSTO F. GONZALEZ.

By the United States of Venezuela:

ENRIQUE TEJERA.

ANTONIO SMITH.

APPENDIX

[The Appendix, consisting of Tables of Fumigation Standards, Certificate of Vaccination against Smallpox, Certificate of Discharge from National

Quarantine, Certificate of Fumigation, Quarantine Declaration, and International Standard Form Bill of Health, is omitted from this SUPPLEMENT.]

[ANNEX]

PAN AMERICAN SANITARY CODE

ARTICLES OF THE SANITARY CONVENTION OF WASHINGTON WHICH ARE TO
CONTINUE IN FORCE BY CHAPTER XI

Article V. The prompt and faithful execution of the preceding provisions is of the very first importance.

The notifications only have a real value if each government is warned in time of cases of plague, cholera or yellow fever and of suspicious cases of those diseases supervening in its territory. It cannot then be too strongly recommended to the various governments to make obligatory the declaration of cases of plague, cholera or yellow fever, and of giving information of all unusual mortality of rats and mice especially in ports.

Article VI. It is understood that neighboring countries reserve to themselves the right to make special arrangements with a view of organizing a service of direct information between the chiefs of administration upon the frontiers.

Article XIII. In the case of cholera and plague there is no reason to forbid the transit through an infected district of merchandise, and the objects specified in Nos. 1 and 2 of the preceding article² if they are so packed that they cannot have been exposed to infection in transit.

² The following articles, not included in the official reprint of the Annex, are reprinted from the text of the Sanitary Convention of 1905 which appeared in the SUPPLEMENT to this JOURNAL, Vol. III, pages 237-251:

Article XII. No merchandise or objects shall be subjected to disinfection on account of yellow fever, but in cases covered by the previous article the vehicle of transportation may be subjected to fumigation to destroy mosquitoes. In the case of cholera and plague disinfection should only be applied to merchandise and objects which the local sanitary authority considers as infected.

Nevertheless, merchandise, or objects enumerated hereafter, may be subjected to disinfection, or prohibited entry, independently of all proof that they may or may not be infected:

1. Body linen, wearing apparel in use, clothing which has been worn, bedding already used.

When these objects are transported as baggage, or in the course of a change of residence (household furniture), they should not be prohibited, and are to be subjected to the regulations prescribed by Article XIX.

Baggage left by soldiers and sailors, and returned to their country after death, are considered as objects comprised in the first paragraph of number 1 of this article.

2. Rags, and rags for making paper, with the exception, as to cholera, of rags which are transported as merchandise in large quantities compressed in bales held together by hoops.

New clippings coming directly from spinning mills, weaving mills, manufactories or bleacheries, shoddy, and clippings of new paper, should not be forbidden.

Article XIX. Baggage. In the case of soiled linen, bed clothing, clothing and objects forming a part of baggage or furniture coming from a territorial area declared contaminated, disinfection is only to be practiced in cases where the sanitary authority considers them as contaminated. There shall be no disinfection of baggage on account of yellow fever.

In like manner, when merchandise or objects are so transported that, in transit, they cannot come in contact with soiled objects, their transit across an infected territorial area should not be an obstacle to their entry into the country of destination.

Article XIV. The entry of merchandise and objects specified in Nos. 1 and 2 of Article XII² should not be prohibited, if it can be shown to the authorities of the country of destination that they were shipped at least five days before the beginning of the epidemic.

Article XV. The method and place of disinfection, as well as the measures to be employed for the destruction of rats, and mosquitoes, are to be fixed by authority of the country of destination, upon arrival at said destination. These operations should be performed in such a manner as to cause the least possible injury to the merchandise.

It devolves upon each country to determine questions relative to the payment of damages resulting from disinfection, or from the destruction of rats or mosquitoes.

If taxes are levied by a sanitary authority, either directly or through the agency of any company or agent, to insure measures for the destruction of rats and mosquitoes on board ships, the amount of these taxes ought to be fixed by a tariff published in advance, and the result of these measures should not be a source of profit for either state or sanitary authorities.

Article XVI. Letters and correspondence, printed matter, books, newspapers, business papers, etc., (postal parcels not included), are not to be submitted to any restriction or disinfection. In case of yellow fever postal parcels are not to be subjected to any restrictions or disinfection.

Article XVII. Merchandise, arriving by land or by sea, should not be detained permanently at frontiers or in ports.

Measures which it is permissible to prescribe with respect to them are specified in Article 12.²

Nevertheless, when merchandise, arriving by sea in bulk (*vrac*) or in defective packages, is contaminated by pest-stricken rats during the passage, and is incapable of being disinfected, the destruction of the germs may be assured by putting said merchandise in a warehouse for a period to be decided by the sanitary authorities of the port of arrival.

It is to be understood that the application of this last measure should not entail delay upon any vessel nor extraordinary expenses resulting from the want of warehouses in ports.

Article XVIII. When merchandise has been disinfected by the application of the measures prescribed in Article 12,² or put temporarily in warehouses in accordance with the third paragraph of Article 17, the owner, or his representative, has the right to demand from the sanitary authority which has ordered such disinfection, or storage, a certificate setting forth the measures taken.

² See footnote on page 47.

Article XXV. The sanitary authorities of the port must deliver to the captain, the owner, or his agent, whenever a demand for it is made, a certificate setting forth that the measures for the destruction of rats have been efficacious and indicating the reasons why these measures have been applied.

Article XXX. Special measures may be prescribed in regard to crowded ships, notably emigrant ships, or any other ship presenting bad hygienic conditions.

Article XXXII. Ships coming from a contaminated port, which have been disinfected and which may have been subjected to sanitary measures applied in an efficient manner, shall not undergo a second time the same measures upon their arrival at a new port, provided that no new case shall have appeared since the disinfection was practiced, and that the ships have not touched in the meantime at an infected port.

When a ship only disembarks passengers and their baggage, or the mails, without having been in communication with terra firma, it is not to be considered as having touched at a port, provided that in the case of yellow fever it has not approached sufficiently near the shore to permit the access of mosquitoes.

Article XXXIII. Passengers arriving on an infected ship have the right to demand of the sanitary authority of the port a certificate showing the date of their arrival and the measures to which they and their baggage have been subjected.

Article XXXIV. Packet boats shall be subjected to special regulations, to be established by mutual agreement between the countries in interest.

Article XXXVII. Land quarantines should no longer be established, but the governments reserve the right to establish camps of observation if they should be thought necessary for the temporary detention of suspects.

This principle does not exclude the right for each country to close a part of its frontier in case of necessity.

Article XXXVIII. It is important that travelers should be submitted to a surveillance on the part of the personnel of railroads, to determine their condition of health.

Article XXXIX. Medical intervention is limited to a visit (inspection) with the taking of temperature of travelers, and the succor to be given to those actually sick. If this visit is made, it should be combined as much as possible with the customhouse inspection to the end that travelers may be detained as short a time as possible. Only persons evidently sick should be subjected to a searching medical examination.

Article XL. As soon as travelers, coming from an infected locality, shall have arrived at their destination, it would be of the greatest utility to submit them to a surveillance which should not exceed ten or five days, counting from the date of departure, the time depending upon whether it is a question of plague or cholera. In case of yellow fever the period should be six days.

Article XLI. Governments may reserve to themselves the right to take particular measures in regard to certain classes of persons, notably vagabonds, emigrants and persons traveling or passing the frontier in bands.

Article XLII. Coaches intended for the transportation of passengers and mails should not be retained at frontiers.

In order to avoid this retention a system of relays ought to be established at frontiers, with transfer of passengers, baggage and mails. If one of these carriages be infected or shall have been occupied by a person suffering from plague, cholera or yellow fever, it shall be detached from the train for disinfection at the earliest possible moment.

Article XLIII. Measures concerning the passing of frontiers by the personnel of railroads and of the Post Office are a matter for agreement of the sanitary authorities concerned. These measures should be so arranged as not to hinder the service.

Article XLIV. The regulation of frontier traffic, as well as the adoption of exceptional measures of surveillance should be left to special arrangement between contiguous countries.

Article XLV. The power rests with governments of countries bordering upon rivers to regulate by special arrangement the sanitary régime of river routes.

Article XLIX. All persons who can prove their immunity to yellow fever, to the satisfaction of the health authorities, shall be permitted to land at once.

Article L. It is agreed that in the event of a difference of interpretation of the English and Spanish texts, the interpretation of the English text shall prevail.

OFFICIAL DOCUMENTS

AGREEMENT BETWEEN THE UNITED STATES AND AUSTRIA AND HUNGARY FOR THE DETERMINATION OF THE AMOUNTS TO BE PAID BY AUSTRIA AND BY HUNGARY IN SATISFACTION OF THEIR OBLIGATIONS UNDER THE TREATIES CONCLUDED BY THE UNITED STATES WITH AUSTRIA ON AUGUST 24, 1921, AND WITH HUNGARY ON AUGUST 29, 1921¹

Signed at Washington, November 26, 1924; ratifications exchanged, December 12, 1925

The United States of America and the Republic of Austria, hereafter described as Austria, and the Kingdom of Hungary, hereafter described as Hungary, being desirous of determining the amounts to be paid by Austria and by Hungary in satisfaction of their obligations under the treaties concluded by the United States with Austria on August 24, 1921, and with Hungary on August 29, 1921, which secure to the United States and its nationals rights specified under a Joint Resolution of the Congress of the United States of July 2, 1921, including rights under the Treaties of St. Germain-en-Laye and Trianon, respectively, have resolved to submit the questions for decision to a commissioner and have appointed as their plenipotentiaries to sign an agreement for that purpose:

The President of the United States of America, Charles Evans Hughes, Secretary of State of the United States of America,

The President of the Federal Republic of Austria, Mr. Edgar L. G. Prochnik, Chargé d'Affaires of Austria in Washington, and

The Governor of Hungary, Count László Széchenyi, Envoy Extraordinary and Minister Plenipotentiary of Hungary to the United States,

Who, having communicated their full powers, found to be in good and due form, have agreed as follows:

ARTICLE I

The three governments shall agree upon the selection of a Commissioner who shall pass upon all claims for losses, damages or injuries suffered by the United States or its nationals embraced within the terms of the Treaty of August 24, 1921, between the United States and Austria and/or the Treaty of August 29, 1921, between the United States and Hungary, and/or the Treaties of St. Germain-en-Laye and/or Trianon, and shall determine the amounts to be paid to the United States by Austria and by Hungary in satisfaction of all such claims (excluding those falling within paragraphs 5, 6 and 7 of Annex I to Section I of Part VIII of both the Treaty of St. Germain-en-Laye and the Treaty of Trianon) and including the following categories:

¹ U. S. Treaty Series, No. 730.

(1) Claims of American citizens arising since July 31, 1914, in respect of damage to or seizure of their property, rights and interests, including any company or association in which they are interested, within the territories of either the former Austrian Empire or the former Kingdom of Hungary as they respectively existed on August 1, 1914;

(2) Other claims for loss or damage to which the United States or its nationals have been subjected with respect to injuries to or death of persons, or with respect to property, rights and interests, including any company or association in which American nationals are interested, since July 31, 1914, as a consequence of the war;

(3) Debts owing to American citizens by the Austrian and/or the Hungarian Governments or by their nationals.

ARTICLE II

Should the Commissioner for any cause be unable to discharge his functions, a successor shall be chosen in the same manner that he was selected. The Commissioner shall hold a session at Washington within two months after the coming into force of the present agreement. He may fix the time and the place of subsequent sessions according to convenience. All claims shall be presented to the Commissioner within one year from the date on which he holds the first session required by the foregoing provision.

ARTICLE III

The Commissioner shall cause to be kept an accurate record of the questions and cases submitted and correct minutes of proceedings. To this end each of the Governments may appoint a secretary, and these secretaries shall act together as joint secretaries and shall be subject to the direction of the Commissioner.

ARTICLE IV

The three Governments may designate agents and counsel who may present oral or written arguments to the Commissioner under such conditions as he may prescribe.

The Commissioner shall receive and consider all written statements or documents which may be presented to him, in accordance with rules which he may prescribe, by or on behalf of the respective Governments in support of or in answer to any claim.

The Governments of Austria and Hungary shall be notified of all claims filed with the Commissioner and shall be given such period of time as the Commissioner shall by rule determine in which to answer any claim filed.

The decisions of the Commissioner shall be accepted as final and binding upon the three Governments.

ARTICLE V

Each Government shall pay its own expenses, including the compensation of the secretary appointed by it and that of its agent and counsel. All other expenses which by their nature are a charge on the three Governments, including the compensation of the Commissioner and such employees as he may appoint to assist him in the performance of his duties, shall be borne one-half by the Government of the United States and one-half by the Governments of Austria and Hungary in equal moieties.

ARTICLE VI

This agreement shall be ratified in accordance with the constitutional forms of the contracting parties and shall come into force on the date of the exchange of ratifications.

In faith whereof, the above named plenipotentiaries have signed the present agreement and have hereunto affixed their seals.

Done in triplicate at the City of Washington this twenty-sixth day of November, one thousand nine hundred and twenty-four.

CHARLES EVANS HUGHES [SEAL]

EDGAR PROCHNIK [SEAL]

LÁSZLÓ SZÉCHÉNYI [SEAL]

CONVENTION OF RATIFICATION BETWEEN THE UNITED STATES AND THE
DOMINICAN REPUBLIC AS CONTAINED IN THE AGREEMENT OF EVACUATION
OF JUNE 30, 1922¹

*Signed at Santo Domingo, June 12, 1924; ratifications exchanged
December 4, 1925*

Whereas, in the month of May, 1916, the territory of the Dominican Republic was occupied by the forces of the United States of America, during which occupation there was established, in substitution of the Dominican Government, a Military Government which issued governmental regulations under the name of Executive Orders and Resolutions and Administrative Regulations, and also celebrated several contracts by virtue of said Executive Orders or by virtue of some existing laws of the Republic;

Whereas, the Dominican Republic has always maintained its right to self-government, the disoccupation of its territory and the integrity of its sovereignty and independence; and the Government of the United States has declared that, on occupying the territory of the Dominican Republic, it never had, nor has at present, the purpose of attacking the sovereignty and independence of the Dominican Nation; and these rights and declarations gave rise to a Plan or *Modus Operandi* of Evacuation signed on June 30, 1922, by Monseñor A. Nouel, General Horacio Vasquez, Don Federico

¹ U. S. Treaty Series, No. 729.

Velasquez y H., Don Elías Brache, hijo, and Don Francisco J. Peynado, and the Department of State, represented by the Honorable William W. Russell, Envoy Extraordinary and Minister Plenipotentiary of the United States in the Dominican Republic, and the Honorable Sumner Welles, Commissioner of the President of the United States, which met with the approval of the Dominican people, and which approval was confirmed at the elections that took place on March 15, of the present year;

Whereas, although the Dominican Republic has never delegated authority to any foreign power to legislate for it, still, it understands that the internal interests of the Republic require the validation or ratification of several of the Executive Orders and Resolutions, published in the Official Gazette, as well as the Administrative Regulations and Contracts of the Military Government celebrated by virtue of said Orders or of any Law of the Republic; and, on its part, the United States considers that it is also to its interest that said acts be validated or ratified; for these reasons one of the stipulations in the above-mentioned Plan of Evacuation provides for the celebration of a Treaty or Convention of Ratification or Validation of said Orders, Resolutions, Regulations and Contracts;

Therefore, the United States of America and the Dominican Republic, desirous of celebrating the above-mentioned Treaty or Convention, have named for this purpose their Plenipotentiaries as follows:

The President of the United States, William W. Russell, Envoy Extraordinary and Minister Plenipotentiary of the United States in Santo Domingo, and,

The Provisional President of the Dominican Republic, Don Horacio Vasquez, Don Federico Velasquez y H., and Don Francisco J. Peynado, who, after having exchanged their full powers, and after having found them in due and proper form, have agreed upon the following:

I. The Dominican Government hereby recognizes the validity of all the Executive Orders and Resolutions, promulgated by the Military Government and published in the Official Gazette, which may have levied taxes, authorized expenditures, or established rights on behalf of third persons, and the administrative regulations issued, and contracts which may have been entered into, in accordance with those Orders or with any law of the Republic. Those Executive Orders and Resolutions, Administrative Regulations and Contracts are those listed below:

EXECUTIVE ORDERS

2, 8, 9, 14, 17, 19, 23, 27, 28, 31, 34-38 inclusive, 43, 44, 46, 48, 52, 53, 55, 58, 60, 61, 64, 65, 68, 69, 71, 75, 79, 81-85 inclusive, 88, 89, 91, 92, 94, 95, 97, 104, 106, 108, 110-112 inclusive, 114, 116, 118, 119, 121, 126, 128-130 inclusive, 133-136 inclusive, 139, 142, 143, 145, 146, 148-151 inclusive, 153-163 inclusive, 166, 168, 169, 171, 173, 174, 176-178 inclusive, 183, 185-187 inclusive, 190-195 inclusive, 197-203 inclusive,

205-212 inclusive, 214, 215, 218, 220, 223-225 inclusive, 229-231 inclusive, 233-243 inclusive, 245-250 inclusive, 252, 254-260 inclusive, 262-266 inclusive, 269-277 inclusive, 280-282 inclusive, 285-298 inclusive, 300-302 inclusive, 304-307 inclusive, 311, 312, 314-318 inclusive, 320-322 inclusive, 324-326 inclusive, 328-336 inclusive, 338-367 inclusive, 369-375 inclusive, 377-391 inclusive, 393, 395, 396, 398, 400, 402-413 inclusive, 415-433 inclusive, 435-443 inclusive, 445, 447, 449, 451, 454-461 inclusive, 463-489 inclusive, 491-498 inclusive, 500, 502, 504-506 inclusive, 509, 510, 513-517 inclusive, 519-526 inclusive, 530, 532-547 inclusive, 549, 550, 552-556 inclusive, 558-563 inclusive, 566, 569, 570, 574-577 inclusive, 579-590 inclusive, 593, 594, 596, 597, 599-610 inclusive, 612-615 inclusive, 617-629 inclusive, 634-643 inclusive, 645, 647-651 inclusive, 653-656 inclusive, 658, 660-668 inclusive, 670-685 inclusive, 687, 689, 690, 692-697 inclusive, 699, 701-703 inclusive, 706-710 inclusive, 712-719 inclusive, 721, 723-733 inclusive, 735-738 inclusive, 741-748 inclusive, 750, 752-759 inclusive, 761-764 inclusive, 766, 768-775 inclusive, 777-779 inclusive, 782, 783, 784, 785, 786, 787, 789, 790, 791, 792, 793, 794, 795, 796, 799, 800.

RESOLUTIONS

Fomento and Communications

- Resolution Official Gazette, No. 2790 Barahona Company.
Resolution Official Gazette, No. 2821 Santa Fe Plantation Sugar Co.
Resolution Official Gazette, No. 2845 Central Romana.
Resolution Official Gazette, No. 2849 Central Romana.
Resolution Official Gazette, No. 2850 Santa Fe Plantation Sugar Co.
Resolution Official Gazette, No. 2861 Central Boca Chica Co.
Resolution Official Gazette, No. 2862 Installation of a telephone line.
Resolution Official Gazette, No. 2911 Installation of a telephone line.
Resolution Official Gazette, No. 2911 Santa Fe Plantation Sugar Co.
Resolution Official Gazette, No. 2929 Ingenio Cristobal Colon.
Resolution Official Gazette, No. 2967 Cancellation.
Resolution Official Gazette, No. 2993 Cía. Anónima de Explotaciones Industriales.
Resolution Official Gazette, No. 2993 San Cristobal Mining Co.
Resolution Official Gazette, No. 3008 Bentz Hnos.
Resolution Official Gazette, No. 3015 Bentz Hnos.
Resolution Official Gazette, No. 3036 Barahona Company.
Resolution Official Gazette, No. 3037 Julio V. Abreu.
Resolution Official Gazette, No. 3076 Central Romana.
Resolution Official Gazette, No. 3076 Barahona Company.
Resolution Official Gazette, No. 3093 Luis del Monte.
Resolution Official Gazette, No. 3093 Jose Mota Rancho.

- Resolution Official Gazette, No. 3106 Central Romana.
Resolution Official Gazette, No. 3106 Central Romana.
Resolution Official Gazette, No. 3106 Castillo Hnos.
Resolution Official Gazette, No. 3106 Barahona Company.
Resolution Official Gazette, No. 3106 Barahona Company.
Resolution Official Gazette, No. 3121 Consuelo Sugar Co.
Resolution Official Gazette, No. 3126 Sres. Noboa Hnos.
Resolution Official Gazette, No. 3129 Barahona Company.
Resolution Official Gazette, No. 3129 Consuelo Sugar Co.
Resolution Official Gazette, No. 3159 Barahona Company.
Resolution Official Gazette, No. 3159 Central Romana.
Resolution Official Gazette, No. 3160 Barahona Company.
Resolution Official Gazette, No. 3162 Pardo y Ely Dorsey.
Registered 1, 2 and 3.
Resolution Official Gazette, No. 3162 J. Amando Bermudez.
Resolution Official Gazette, No. 3196 Lorenzo Gautier Olives.
Resolution Official Gazette, No. 3203 Barahona Company.
Resolution Official Gazette, No. 3235 Barahona Company.
Resolution Official Gazette, No. 3242 Central Romana.
Resolution Official Gazette, No. 3243 Manuel Bermudez.
Resolution Official Gazette, No. 3274 Cía Anónima de Inversiones Inmobiliarias.
Resolution Official Gazette, No. 3243 Cía. Anónima de Inversiones Inmobiliarias.
Resolution Official Gazette, No. 3354 Barahona Company.
Resolution Official Gazette, No. 3313 Ingenio Santa Fe de San Pedro de Macoris.
Resolution Official Gazette, No. 2786 Central Romana.
Resolution Official Gazette, No. 2787 L. E. Alvarez.
Resolution Official Gazette, No. 3358 Barahona Company.

Agriculture and Immigration

- Resolution No. 61, Official Gazette No. 2838—Declaración de Zonas Agrícolas en la Provincia de Barahona.
Resolution No. 64, Official Gazette Nos. 2853 and 2854—Declaración de Zonas Agrícolas en la Provincia de Barahona.
Resolution No. 66, Official Gazette No. 3003—Declaración de Zonas Agrícolas en la Provincia de Barahona.
Resolution No. 86, Official Gazette No. 3089—Luis Holguer. Todos los permisos de inmigración y ordenes de deportación expedidos por esta Secretaría.
Resolution No. 88, Official Gazette No. 3133—Declaración de Zonas Agrícolas en Barahona.

Resolution No. 89, Official Gazette No. 3145—Declaración de Zonas Agrícolas en la Provincia de Barahona.

Resolution No. 91, Official Gazette No. 3167—Declaración de Zonas Agrícolas en la Provincia de Santo Domingo.

Resolution No. 92, Official Gazette No. 3180—Industrial Alcohol Cía.

Resolution No. 93, Official Gazette No. 3180—Declaración de Zonas Agrícolas en la Provincia de Santo Domingo.

Resolution No. 94, Official Gazette No. 3197—Declaración de Zonas Agrícolas en la Provincia de Santo Domingo.

Resolution No. 95, Official Gazette No. 3219—Declaración de Zonas Agrícolas en la Provincia de Monte Cristi.

Resolution No. 96, Official Gazette No. 3242—Alvaro Fernández.

Resolution No. 97, Official Gazette No. 3243—Rectificación Límites Mencionados en Resolución No. 94 referente a Baní.

Resolution No. 98, Official Gazette No. 3301—Cancelando Resolución No. 97.

Resolution No. 99, Official Gazette No. 3332—Asociación de Regantes.

Water titles issued by the Secretariat of State for Agriculture by virtue of Executive Order No. 318, to the following:

Domingo Rodríguez—Agua del Río San Juan, Azua.

Jesús M. Vargas—Agua del Río el Caño de Boña, Neiba, Barahona.

Alberto Perdomo—Agua del Río Plaza Cacique.

Santiago J. Rodríguez—Agua del Río Macasía, Matas de Farfán.

J. Julio Coiscou—Agua del Río Birán, Barahona.

Asociación La Altagracia—Agua del Río El Manguito, Neiba.

Arbaje Hnos—Agua del Río Macasía, Matas de Farfán.

A. Santiago—Agua del Río Macasía, Matas de Farfán.

Manuel de Pérez—Agua del Río Camana, Neiba.

Sociedad de Irrigación Los Tres—Agua del Río San Juan, San Juan, Azua.

Joaquín Bracia—Agua del Río Yaque del Sur, Barahona.

Sociedad de Irrigación Amantes de las Agricultura—Agua del Río San Juan, San Juan, Azua.

Ismael Mateo—Agua del Río de Jacahueque, Matas de Farfán.

Inomina Palmer—Agua del Río Jacahueque, Matas de Farfán.

Sociedad de Irrigación La Unión—Agua del Río San Juan, San Juan, Azua.

Sociedad de Irrigación La Unión—Agua del Río Macasía, Matas de Farfán.

Sociedad de Irrigación La Competencia—Agua del Río María Chiquita, Neiba.

Francisco Tomillo—Agua del Río San Juan, San Juan, Azua.

Sociedad de Irrigación El Porvenir—Río Las Marías, Neiba.

Sociedad de Irrigación El Esfuerzo—Agua del Río Bani.

Sociedad de Irrigación El Progreso—Agua del Río Bani.

Sociedad de Irrigación La Voluntad—Agua del Río Bani.

Sociedad de Irrigación La Legalidad—Agua del Río Bani.

Sociedad de Irrigación El Adelanto—Agua del Río Bani.

Wenceslao Ramirez—Agua del Río Mijo, San Juan, Azua.

Resolution No. 74—Official Gazette No. 3355—Luis L. Bogaert.

All letters of naturalization and permits to establish residence granted for the purpose of naturalization, in accordance with Article 11 of the Constitution.

All permits issued to establish legal residence in the Republic in accordance with Article 14 of the Civil Code.

Resolution regarding the sale of the Cruiser *Independencia*, under date of February 20, 1918, and the tugboat *Aguila*, under date of June 6, 1918. (Not yet published)

Resolution—Official Gazette No. 3203, approving the increase in the tariff tax of the municipal aqueduct (Puerto Plata).

All the resolutions passed by the Ayuntamientos and approved by the Military Government.

Sanitation and Charity

Sanitary Code published in the Official Gazette No. 3181, December 29, 1920.

Treasury

Circular E-105, December 8, 1919.

INTERNATIONAL CONVENTIONS ENTERED INTO DURING THE PERIOD OF THE MILITARY GOVERNMENT

Fomento and Communications

Spanish-American Postal Convention of Madrid of November 2, 1920.

Resolution No. 7, of March 12, 1921.

Universal Postal Convention of Madrid of November 30, 1920. Resolution No. 21 of December 31, 1921.

Universal Parcel Post Convention of Madrid of November 30, 1920. Resolution No. 32 of December 31, 1921.

Dominican-Spanish Postal Convention of November 17, 1921. Resolution No. 13 of April 29, 1922.

Pan-American Convention of Buenos Aires dated September 15, 1921. Resolution No. 25 of July 26, 1922.

Resolution approving the Postal Convention between the Dominican Republic and the United States of America, under date of May 19, 1917.

ADMINISTRATIVE REGULATIONS

Fomento and Communications

Departmental Order—Official Gazette No. 2801—Department of Fomento Order No. 1.

Departmental Order—No. 6—Official Gazette No. 2841.
Departmental Order—No. 8—Official Gazette No. 2852.
Departmental Order—No. 10—Official Gazette No. 2856.
Departmental Order—No. 12—Official Gazette No. 2861.
Departmental Order—No. 11—Official Gazette No. 2862.
Departmental Order—No. 14—Official Gazette No. 2863.
Departmental Order—No. 15—Official Gazette No. 2868 B.
Departmental Order—No. 16—Official Gazette No. 2923.
Departmental Order—No. 19—Official Gazette No. 2933.
Departmental Order—No. 21—Official Gazette No. 2960.
Departmental Order—No. 22—Official Gazette No. 2988.
Departmental Order—No. 23—Official Gazette No. 2998.
Departmental Order—No. 24—Official Gazette No. 3026.
Departmental Order—No. 25—Official Gazette No. 3035.
Departmental Order—No. 27—Official Gazette No. 3124.
Departmental Order—No. 28—Official Gazette No. 3159.
Departmental Order—No. 29—Official Gazette No. 3192.

Agriculture and Immigration

Departmental Order No. 2—Official Gazette No. 2992.
Departmental Order No. 5—Official Gazette No. 3084.
Departmental Order No. 13—Official Gazette No. 3124.
Departmental Order No. 20—Official Gazette No. 3128.
Departmental Order No. 21—Official Gazette No. 3128.
Departmental Order No. 27—Official Gazette No. 3152.
Departmental Order No. 31—Official Gazette No. 3355.
Departmental Order No. 36—Official Gazette No. 3153.
Departmental Order No. 38—Official Gazette No. 3159.
Departmental Order No. 57—Official Gazette No. 3203.
Departmental Order No. 60—Official Gazette No. 3211.
Departmental Order No. 85—Official Gazette No. 3291.
Departmental Order No. 89—Official Gazette No. 3328.
Departmental Order No. 92—Official Gazette No. 3346.

Interior and Police

Departmental Order No. 13 granting authorization to the Junta de Caridad "Padre Billini" in order that it might contract a loan of 15,000.
(Not yet published)

Justice and Public Instruction

Departmental Order No. 1 of 1921, under date of February 19 of the same year. (Division of "comunero" lands)

All the Departmental orders of the Department of Justice and Public Instruction relative to public instruction, with the exception of Orders Nos.

5, 9, and 16 of 1917; No. 97 of 1918; and Special Order No. 1 of 1919, until the installation of the Provisional Government.

CONTRACTS

Treasury

Contracts entered into between the Military Government and the persons listed below for the rental of urban properties of the Republic:

Contract No. 58 with A. Humberto Aybar, under date of March 7, 1918. (one lot)

Contract with Selidonia Petitón Vda. Parisién, under date of December 12, 1918. (one lot)

Contract with Elías José, under date of December 4, 1918. (one lot)

Contract with Justiniano Acosta, under date of December 6, 1918. (one lot)

Contract with Donato Pérez, under date of December 2, 1918. (one lot)

Contract with Anita Buenrostro, under date of December 4, 1918. (one lot)

Contract with Urbano Acosta, under date of December 2, 1918. (one lot)

Contract with Celestino Fontana, under date of December 20, 1918. (one lot)

Contract with Ulises Cuello, under date of May 26, 1919. (one lot)

Contract with Alejandro Deño, under date of May 26, 1919. (one lot)

Contract No. 59 with Agustín Hernández, under date of July 21, 1919. (one house)

Contract No. 60 with R. O. Galvan, under date of October 31, 1919. (one lot)

Contract No. 61 with Pablo Gobaira, under date of November 11, 1919. (one lot)

Contract No. 62 with Abelardo José Romano, under date of November 11, 1919. (one lot)

Contract No. 63 with Jorge Bazil, under date of November 11, 1919. (one lot)

Contract with Earle T. Fiddler for the extraction of sand and other products.

Contract No. 1 with Francisco J. Peynado, under date of December 14, 1917: Rental of house No. 33 de la Calle José Reyes.

Contract No. 2 with Felix Gonzalez, under date of January 1, 1918: Transfer service in the Port of Macoris.

Contract with Francisco J. Peynado, No. 4, under date of April 12, 1918: Rental of house No. 46 de la Calle Mercedes.

Contract No. 5 with Alej. Penso, under date of December 17, 1918: Rental of house No. 15 Calle Beler and the upper floors of house No. 13/36 de la Calle Beler, corner of Comercio, both in Santiago.

Contract No. 6 with J. L. Manning, under date of July 12, 1919: (Designating International Banking Corporation as depositary of Government funds)

- Contract No. 8 with the La Fé Lodge, under date of September 29, 1919: Rescinding a rental contract covering the building known by the name of "Logia La Fé".
- Contract No. 9 with Ig. Cat. Apostólica Romana, under date of September 25, 1919: Establishing an agreement pending the determination of ownership of the buildings annexed to the Iglesia de Regina.
- Contract No. 26 with Suc. Juan Nieves Reyes, under date of June 4, 1920: Transfer of rights to a tract of land in Nigua.
- Contract No. 27 with Agapito, Lorenzo and Mercedes Ant. Reyes, under date of June 27, 1920: Purchase of land in Nigua for the National Leper Colony of Nigua.
- Contract No. 29 with Alberto Ascensio, under date of October 1, 1920: Rental of a piece of land located in Santiago in Bella Vista which measures 96 tareas. (The Government is the renter)
- Contract No. 30 with Junta Fábrica Iglesia del Rosario in Moca, under date of September 30, 1920: Payment of \$32,315.52 in order that the Board might relieve the Government of all responsibility occasioned by Executive Order No. 420 and its amendments.
- Contract No. 31 with Junta Fábrica Iglesia Salcedo, under date of October 5, 1920: Payment of \$26,400.00 in order to relieve the Government of all claims by reason of Executive Order No. 420.
- Contract No. 32 with Melendez y Godoy, under date of March 14, 1921: Payment of \$85,891.00 in order that the Government might be relieved of all claims by reason of Executive Order No. 513.
- Contract No. 35 with R. M. Lepervanche, under date of March 16, 1921: Printing stamps.
- Contract No. 34 with R. M. Lepervanche, under date of February 11, 1922: Printing stamps.
- Contract with Divanna-Grisolia & Compañia, under date of November 18, 1920: Purchase and sale of Tobacco.
- Contract with Grace & Co., under date of November 18, 1920: Purchase and sale of Tobacco in Europe.
- Contract with Grace & Co., under date of September 29, 1919: Purchasing Agency.
- Contract with Frank L. Mitchell, under date of September 19, 1921: Construction of a pump and installation of piping for pumping salt water.
- Contract with Frank L. Mitchell, under date of March 16, 1921: Construction of a railroad bridge.
- Contract with Gaetan Bucher y Nicolas Cortina, under date of March 4, 1921: Construction of warehouses.
- Contract with Frank L. Mitchell, under date of March 16, 1921: Construction of a wharf.
- Contract with G. H. Lippitt, under date of September 3, 1920: Installation of a pipe line for molasses.

Contract with Lee, Higginson & Co., under date of April 4, 1922: Loan of \$6,700,000.

Contract with the Compañía de Mieles Dominicana C. por A., under date of March 25, 1922: Extension of the concessions and for a pipe line for molasses.

Fomento and Communications

All the contracts existing between the Department of Fomento and Communications and other persons for the rental of buildings for postoffices in force on the date of the installation of the Provisional Government.

Marck Engineering & Contracting Co.—Contract dated August 23, 1921, for "Construction Barahona Market".

Chief of Surveyors—(Land Survey) Four contracts which have been made for the advance of funds as follows:

- (a) *Central Romana, Inc.*, June 29, 1921.
- (b) *Barahona and allied companies*: December 31, 1921.
- (c) *Ingenio Santa Fé*—March 3, 1922.
- (d) *Ingenio Santa Fé*, May 16, 1920.

Interior and Police

Contract between the Military Government and the Commune of Azua for a loan of 20,000.00 (veinte mil pesos) at a rate of interest of 5%, under date of December 31, 1919.

Contract between the Commune of Azua and the International Banking Corporation for a loan of \$15,000.00 (quince mil pesos), under date of December 31, 1919.

Cancellation, under date of June 8, 1920, of the loan of \$15,000.00 (quince mil pesos) with the International Banking Corporation mentioned above.

Loan of the Military Government to the Commune of Azua of \$15,000.00 (quince mil pesos) at a rate of interest of 5%, under date of June 8, 1920.

Contract between the Commune of Barahona and the Military Government for a loan of \$25,000.00 (veinticinco mil pesos) at a rate of interest of 5%, under date of April 8, 1920.

Contract between the Commune of Villa Mella and the Military Government for a loan of \$14,650.00 (catorce mil seis cientos cincuenta pesos) at a rate of interest of 5% under date of May 25, 1920.

The Dominican Government likewise agrees that those Executive orders, those resolutions, those administrative regulations, and those contracts shall remain in full force and effect unless and until they are abrogated by those bodies which, in accordance with the Dominican Constitution, can legislate. But, this ratification, in so far as concerns those of the above mentioned Executive Orders, resolutions, administrative regulations, and contracts, which have been modified or abrogated by other Executive Orders, resolu-

tions, or administrative regulations of the Military Government, only refers to the legal effects which they created while they were in force.

The Dominican Government further agrees that neither the subsequent abrogation of those Executive Orders, resolutions, administrative regulations, or contracts, or any other law, Executive Order, or other official act of the Dominican Government, shall affect the validity or security of rights acquired in accordance with those orders, those resolutions, those administrative regulations and those contracts of the Military Government; the controversies which may arise related with those rights acquired will be determined solely by the Dominican Courts, subject, however, in accordance with the generally accepted rules and principles of international law, to the right of diplomatic intervention if those Courts should be responsible for cases of notorious injustice or denial of justice. The determination of such cases in which the interests of the United States and the Dominican Republic only are concerned shall, should the two Governments disagree, be by arbitration. In the carrying out of this agreement, in each individual case, the High Contracting Parties, once the necessity of arbitration is determined, shall conclude a special agreement defining clearly the scope of the dispute, the scope of the powers of the arbitrators, and the periods to be fixed for the formation of the arbitral tribunal and the several stages of the procedure. It is understood that on the part of the United States, such special agreements will be made by the President of the United States, by and with the advice and consent of the Senate thereto, and on the part of the Dominican Republic shall be subject to the procedure required by the Constitution and laws thereof.

II. The Dominican Government, in accordance with the provisions of Article I, specifically recognize the bond issue of 1918 and the twenty-year five and one-half per cent Customs Administration Sinking Fund Gold Bond Issue authorized in 1922, as legal, binding, and irrevocable obligations of the Republic, and pledges its full faith and credit to the maintenance of the service of those bond issues. With reference to the stipulation contained in Article 10 of the Executive Order No. 735, in accordance with which the loan of five and one-half per cent authorized in 1922 was issued, which provides:

"That the present customs tariff will not be changed during the life of this loan without previous agreement between the Dominican Government and the Government of the United States;"

the two Governments concerned agree in interpreting this stipulation in the sense that, in accordance with article 3 of the Convention of 1907, a previous agreement between the Dominican Government and the United States shall be necessary to modify the import duties of the Dominican Republic, it being an indispensable condition for the modification of such duties that the Dominican Executive demonstrate and that the President of

the United States recognize that, on the basis of exportations and importations to the like amount and the like character during the two years preceding that in which it is desired to make such modification, the total net customs receipts would at such altered rates of duties have been, for each of such two years, in excess of the sum of \$2,000,000 United States gold.

III. The Dominican Government and the Government of the United States agree that the Convention signed on February 8, 1907, between the United States and the Dominican Republic, shall remain in force so long as any bonds of the issues of 1918 and 1922 shall remain unpaid, and that the duties of the General Receiver of Dominican Customs appointed in accordance with that Convention shall be extended to include the application of the revenues pledged for the service of those bond issues in accordance with the terms of the Executive Orders and of the contracts under which the bonds were issued.

IV. This arrangement shall take effect after its approval by the Senate of the United States and the Congress of the Dominican Republic.

Done in four originals, two in the English language, and two in the Spanish, and the representatives of the High Contracting Powers signing them in the City of Santo Domingo, this twelfth day of June, nineteen hundred and twenty-four.

[SEAL] WILLIAM W. RUSSELL.

[SEAL] HORACIO VASQUEZ.

[SEAL] FED^{co} VELÁSQUEZ Y H.

[SEAL] FRAN^{co} J. PEYNADO.

AGREEMENT BETWEEN THE UNITED STATES AND FINLAND RESPECTING
TONNAGE DUES AND OTHER CHARGES ¹

Effected by exchange of notes between the Minister of Finland and the Secretary of State at Washington, December 21, 1925

I have the honor to make the following statement of my understanding of the agreement reached through recent conversations held at Washington on behalf of the Government of the United States and the Government of Finland with reference to the treatment respecting tonnage dues and other charges which the United States shall accord to the vessels of Finland and their cargoes in the ports of the United States, and which Finland shall accord to vessels of the United States and their cargoes in the ports of Finland.

These conversations have disclosed a mutual understanding between the two Governments, as follows:

On and after February 1, 1926, Finland will impose no tonnage duties, light, harbor or port dues, or other charges on vessels of the United States in the ports of Finland which are not imposed on vessels of Finland, and

¹ U. S. Treaty Series, No. 731.

Finland will levy no higher or other duties or charges on goods imported into its ports in vessels of the United States than are levied on like goods imported in vessels of Finland.

It is understood that, without altering the above stipulations insofar as the amount of pilotage dues is concerned, the duty of employing pilots by vessels of the United States shall be governed by the stipulations of the Finnish law in this respect about foreign vessels in general. It is also understood that the United States of America shall not, on the ground of the above stipulations, claim any privileges which Finland has conceded or will concede to Russian fishing or sealing vessels in the Arctic waters.

The United States will impose no discriminating duties of tonnage on vessels of Finland in the ports of the United States and no discriminating imposts on the goods imported into the United States in vessels of Finland. This undertaking on the part of the United States will be effected by a proclamation to be issued by the President of the United States on the receipt of notification by him from the Government of Finland that the undertaking on the part of Finland stated in the preceding paragraphs has been brought into force.

The present arrangement, unless sooner terminated by mutual agreement, shall continue in force until thirty days after notice of its termination shall have been given by either party; or, should either party be prevented by future action of its legislature from carrying out the terms of this arrangement the obligations thereof shall thereupon lapse.

CONVENTION BETWEEN THE UNITED STATES AND GREAT BRITAIN
RESPECTING RIGHTS IN PALESTINE ¹

*Signed at London, December 3, 1924: ratifications
exchanged, December 3, 1925*

WHEREAS by the Treaty of Peace concluded with the Allied Powers, Turkey renounces all her rights and titles over Palestine; and

Whereas article 22 of the Covenant of the League of Nations in the Treaty of Versailles provides that in the case of certain territories which, as a consequence of the late war, ceased to be under the sovereignty of the States which formerly governed them, mandates should be issued, and that the terms of the mandate should be explicitly defined in each case by the Council of the League; and

Whereas the Principal Allied Powers have agreed to entrust the mandate for Palestine to His Britannic Majesty; and

Whereas the terms of the said mandate have been defined by the Council of the League of Nations, as follows:—

The Council of the League of Nations:

Whereas the Principal Allied Powers have agreed, for the purpose of giving effect to the provisions of article 22 of the Covenant of the League of Nations, to entrust to a Mandatory

¹ U. S. Treaty Series, No. 728.

selected by the said Powers the administration of the territory of Palestine, which formerly belonged to the Turkish Empire, within such boundaries as may be fixed by them; and

Whereas the Principal Allied Powers have also agreed that the Mandatory should be responsible for putting into effect the declaration originally made on the 2nd November, 1917, by the Government of His Britannic Majesty, and adopted by the said Powers, in favour of the establishment in Palestine of a national home for the Jewish people, it being clearly understood that nothing should be done which might prejudice the civil and religious rights of existing non-Jewish communities in Palestine, or the rights and political status enjoyed by Jews in any other country; and

Whereas recognition has thereby been given to the historical connection of the Jewish people with Palestine and to the grounds for reconstituting their national home in that country; and

Whereas the Principal Allied Powers have selected His Britannic Majesty as the Mandatory for Palestine; and

Whereas the mandate in respect of Palestine has been formulated in the following terms and submitted to the Council of the League for approval; and

Whereas His Britannic Majesty has accepted the mandate in respect of Palestine and undertaken to exercise it on behalf of the League of Nations in conformity with the following provisions; and

Whereas by the aforementioned article 22 (paragraph 8), it is provided that the degree of authority, control or administration to be exercised by the Mandatory, not having been previously agreed upon by the members of the League, shall be explicitly defined by the Council of the League of Nations;

Confirming the said mandate, defines its terms as follows:—

ARTICLE 1

The Mandatory shall have full powers of legislation and of administration, save as they may be limited by the terms of this mandate.

ARTICLE 2

The Mandatory shall be responsible for placing the country under such political, administrative and economic conditions as will secure the establishment of the Jewish national home, as laid down in the preamble, and the development of self-governing institutions, and also for safeguarding the civil and religious rights of all the inhabitants of Palestine, irrespective of race and religion.

ARTICLE 3

The Mandatory shall, so far as circumstances permit, encourage local autonomy.

ARTICLE 4

An appropriate Jewish agency shall be recognised as a public body for the purpose of advising and co-operating with the Administration of Palestine in such economic, social and other matters as may affect the establishment of the Jewish national home and the interests of the Jewish population in Palestine, and, subject always to the control of the Administration, to assist and take part in the development of the country.

The Zionist organisation, so long as its organisation and constitution are in the opinion of the Mandatory appropriate, shall be recognised as such agency. It shall take steps in consultation with His Britannic Majesty's Government to secure the co-operation of all Jews who are willing to assist in the establishment of the Jewish national home.

ARTICLE 5

The Mandatory shall be responsible for seeing that no Palestine territory shall be ceded or leased to, or in any way placed under the control of, the Government of any foreign Power.

ARTICLE 6

The Administration of Palestine, while ensuring that the rights and position of other sections of the population are not prejudiced shall facilitate Jewish immigration under suitable conditions and shall encourage, in co-operation with the Jewish agency referred to in article 4, close settlement by Jews on the land, including State lands and waste lands not required for public purposes.

ARTICLE 7

The Administration of Palestine shall be responsible for enacting a nationality law. There shall be included in this law provisions framed so as to facilitate the acquisition of Palestinian citizenship by Jews who take up their permanent residence in Palestine.

ARTICLE 8

The privileges and immunities of foreigners, including the benefits of consular jurisdiction and protection as formerly enjoyed by Capitulation or usage in the Ottoman Empire, shall not be applicable in Palestine.

Unless the Powers whose nationals enjoyed the aforementioned privileges and immunities on the 1st August, 1914, shall have previously renounced the right to their re-establishment, or shall have agreed to their non-application for a specified period, these privileges and immunities shall, at the expiration of the mandate, be immediately re-established in their entirety or with such modifications as may have been agreed upon between the Powers concerned.

ARTICLE 9

The Mandatory shall be responsible for seeing that the judicial system established in Palestine shall assure to foreigners, as well as to natives, a complete guarantee of their rights.

Respect for the personal status of the various peoples and communities and for their religious interests shall be fully guaranteed. In particular, the control and administration of Wakfs shall be exercised in accordance with religious law and the dispositions of the founders.

ARTICLE 10

Pending the making of special extradition agreements relating to Palestine, the extradition treaties in force between the Mandatory and other foreign Powers shall apply to Palestine.

ARTICLE 11

The Administration of Palestine shall take all necessary measure to safeguard the interests of the community in connection with the development of the country, and, subject to any international obligations accepted by the Mandatory, shall have full power to provide for public ownership or control of any of the natural resources of the country or of the public works, services and utilities established or to be established therein. It shall introduce a land system appropriate to the needs of the country, having regard, among other things, to the desirability of promoting the close settlement and intensive cultivation of the land.

The Administration may arrange with the Jewish agency mentioned in article 4 to construct or operate, upon fair and equitable terms, any public works, services and utilities, and to develop any of the natural resources of the country, in so far as these matters are not directly undertaken by the Administration. Any such arrangements shall provide that no profits distributed by such agency, directly or indirectly, shall exceed a reasonable rate of interest on the capital, and any further profits shall be utilised by it for the benefit of the country in a manner approved by the Administration.

ARTICLE 12

The Mandatory shall be entrusted with the control of the foreign relations of Palestine and the right to issue exequaturs to consuls appointed by foreign Powers. He shall also be entitled to afford diplomatic and consular protection to citizens of Palestine when outside its territorial limits.

ARTICLE 13

All responsibility in connection with the Holy Places and religious buildings or sites in Palestine, including that of preserving existing rights and of securing free access to the Holy Places, religious buildings and sites and the free exercise of worship, while ensuring the requirements of public order and decorum, is assumed by the Mandatory, who shall be responsible solely to the League of Nations in all matters connected herewith, provided that nothing in this article shall prevent the Mandatory from entering into such arrangements as he may deem reasonable with the Administration for the purpose of carrying the provisions of this article into effect; and provided also that nothing in this mandate shall be construed as conferring upon the Mandatory authority to interfere with the fabric or the management of purely Moslem sacred shrines, the immunities of which are guaranteed.

ARTICLE 14

A special Commission shall be appointed by the Mandatory to study, define and determine the rights and claims in connection with the Holy Places and the rights and claims relating to the different religious communities in Palestine. The method of nomination, the composition and the functions of this Commission shall be submitted to the Council of the League for its approval, and the Commission shall not be appointed or enter upon its functions without the approval of the Council.

ARTICLE 15

The Mandatory shall see that complete freedom of conscience and the free exercise of all forms of worship, subject only to the maintenance of public order and morals, are ensured to all. No discrimination of any kind shall be made between the inhabitants of Palestine on the ground of race, religion or language. No person shall be excluded from Palestine on the sole ground of his religious belief.

The right of each community to maintain its own schools for the education of its own members in its own language, while conforming to such educational requirements of a general nature as the Administration may impose, shall not be denied or impaired.

ARTICLE 16

The Mandatory shall be responsible for exercising such supervision over religious or eleemosynary bodies of all faiths in Palestine as may be required for the maintenance of public order and good government. Subject to such supervision, no measures shall be taken in Palestine to obstruct or interfere with the enterprise of such bodies or to discriminate against any representative or member of them on the ground of his religion or nationality.

ARTICLE 17

The Administration of Palestine may organise on a voluntary basis the forces necessary for the preservation of peace and order, and also for the defence of the country, subject, however, to the supervision of the Mandatory, but shall not use them for purposes other than those above specified save with the consent of the Mandatory. Except for such purposes, no military, naval or air forces shall be raised or maintained by the Administration of Palestine.

Nothing in this article shall preclude the Administration of Palestine from contributing to the cost of the maintenance of the forces of the Mandatory in Palestine.

The Mandatory shall be entitled at all times to use the roads, railways and ports of Palestine for the movement of armed forces and the carriage of fuel and supplies.

ARTICLE 18

The Mandatory shall see that there is no discrimination in Palestine against the nationals of any State member of the League of Nations (including companies incorporated under its laws) as compared with those of the Mandatory or of any foreign State in matters concerning taxation, commerce or navigation, the exercise of industries or professions, or in the treatment of merchant vessels or civil aircraft. Similarly, there shall be no discrimination in Palestine against goods originating in or destined for any of the said States, and there shall be freedom of transit under equitable conditions across the mandated area.

Subject as aforesaid and to the other provisions of this mandate, the Administration of Palestine may, on the advice of the Mandatory, impose such taxes and customs duties as it may consider necessary, and take such steps as it may think best to promote the development of the natural resources of the country and to safeguard the interests of the population. It may also, on the advice of the Mandatory, conclude a special customs agreement with any State the territory of which in 1914 was wholly included in Asiatic Turkey or Arabia.

ARTICLE 19

The Mandatory shall adhere on behalf of the Administration of Palestine to any general international conventions already existing, or which may be concluded hereafter with the approval of the League of Nations, respecting the slave traffic, the traffic in arms and ammunition, or the traffic in drugs, or relating to commercial equality, freedom of transit and navigation, aerial navigation and postal, telegraphic and wireless communication or literary, artistic or industrial property.

ARTICLE 20

The Mandatory shall co-operate on behalf of the Administration of Palestine, so far as religious, social and other conditions may permit, in the execution of any common policy adopted by the League of Nations for preventing and combating disease, including diseases of plants and animals.

ARTICLE 21

The Mandatory shall secure the enactment within twelve months from this date, and shall ensure the execution of a Law of Antiquities based on the following rules. This law shall ensure equality of treatment in the matter of excavations and archaeological research to the nationals of all States members of the League of Nations.

(1)

"Antiquity" means any construction or any product of human activity earlier than the year A. D. 1700.

(2)

The law for the protection of antiquities shall proceed by encouragement rather than by threat.

Any person who, having discovered an antiquity without being furnished with the authorisation referred to in paragraph 5, reports the same to an official of the competent Department, shall be rewarded according to the value of the discovery.

(3)

No antiquity may be disposed of except to the competent Department, unless this Department renounces the acquisition of any such antiquity.

No antiquity may leave the country without an export licence from the said Department.

(4)

Any person who maliciously or negligently destroys or damages an antiquity shall be liable to a penalty to be fixed.

(5)

No clearing of ground or digging with the object of finding antiquities shall be permitted, under penalty of fine, except to persons authorized by the competent Department.

(6)

Equitable terms shall be fixed for expropriation, temporary or permanent, of lands which might be of historical or archaeological interest.

(7)

Authorisation to excavate shall only be granted to persons who show sufficient guarantees of archaeological experience. The Administration of Palestine shall not, in granting these authorizations, act in such a way as to exclude scholars of any nation without good grounds.

(8)

The proceeds of excavations may be divided between the excavator and the competent Department in a proportion fixed by that Department. If division seems impossible for scientific reasons, the excavator shall receive a fair indemnity in lieu of a part of the find.

ARTICLE 22

English, Arabic and Hebrew shall be the official languages of Palestine. Any statement or inscription in Arabic on stamps or money in Palestine shall be repeated in Hebrew, and any statement or inscription in Hebrew shall be repeated in Arabic.

ARTICLE 23

The Administration of Palestine shall recognize the holy days of the respective communities in Palestine as legal days of rest for the members of such communities.

ARTICLE 24

The Mandatory shall make to the Council of the League of Nations an annual report to the satisfaction of the Council as to the measures taken during the year to carry out the provisions of the mandate. Copies of all laws and regulations promulgated or issued during the year shall be communicated with the report.

ARTICLE 25

In the territories lying between the Jordan and the eastern boundary of Palestine as ultimately determined, the Mandatory shall be entitled, with the consent of the Council of the League of Nations, to postpone or withhold application of such provisions of this mandate as he may consider inapplicable to the existing local conditions, and to make such provision for the administration of the territories as he may consider suitable to those conditions, provided that no action shall be taken which is inconsistent with the provisions of articles 15, 16 and 18.

ARTICLE 26

The Mandatory agrees that if any dispute whatever should arise between the Mandatory and another member of the League of Nations relating to the interpretation or the application of the provisions of the mandate, such dispute, if it cannot be settled by negotiation, shall be submitted to the Permanent Court of International Justice provided for by article 14 of the Covenant of the League of Nations.

ARTICLE 27

The consent of the Council of the League of Nations is required for any modification of the terms of this mandate.

ARTICLE 28

In the event of the termination of the mandate hereby conferred upon the Mandatory, the Council of the League of Nations shall make such arrangements as may be deemed necessary for safeguarding in perpetuity, under guarantee of the League, the rights secured by articles 13 and 14, and shall use its influence for securing, under the guarantee of the League, that the Government of Palestine will fully honor the financial obligations legitimately incurred by the Administration of Palestine during the period of the mandate, including the rights of public servants to pensions or gratuities.

The present instrument shall be deposited in original in the archives of the League of Nations, and certified copies shall be forwarded by the Secretary-General of the League of Nations to all members of the League.

Done at London, the 24th day of July, 1922;

and

Whereas the mandate in the above terms came into force on the 29th September, 1923; and

Whereas the United States of America, by participating in the war against Germany, contributed to her defeat and the defeat of her Allies, and to the renunciation of the rights and titles of her Allies in the territory transferred by them but has not ratified the Covenant of the League of Nations embodied in the Treaty of Versailles; and

Whereas the Government of the United States and the Government of His Britannic Majesty desire to reach a definite understanding with respect to the rights of the two Governments and their respective nationals in Palestine;

The President of the United States of America and His Britannic Majesty have decided to conclude a convention to this effect, and have named as their plenipotentiaries:—

The President of the United States of America:

His Excellency the Honorable Frank B. Kellogg, Ambassador Extraordinary and Plenipotentiary of the United States at London:

His Majesty the King of the United Kingdom of Great Britain and Ireland and of the British Dominions beyond the Seas, Emperor of India:

The Right Honorable Joseph Austen Chamberlain, M.P., His Majesty's Principal Secretary of State for Foreign Affairs:

who, after having communicated to each other their respective full powers, found in good and due form, have agreed as follows:—

ARTICLE 1

Subject to the provisions of the present convention the United States consents to the administration of Palestine by His Britannic Majesty, pursuant to the mandate recited above.

ARTICLE 2

The United States and its nationals shall have and enjoy all the rights and benefits secured under the terms of the mandate to members of the League

of Nations and their nationals, notwithstanding the fact that the United States is not a member of the League of Nations.

ARTICLE 3

Vested American property rights in the mandated territory shall be respected and in no way impaired.

ARTICLE 4

A duplicate of the annual report to be made by the Mandatory under article 24 of the mandate shall be furnished to the United States.

ARTICLE 5

Subject to the provisions of any local laws for the maintenance of public order and public morals, the nationals of the United States will be permitted freely to establish and maintain educational, philanthropic and religious institutions in the mandated territory, to receive voluntary applicants and to teach in the English language.

ARTICLE 6

The extradition treaties and conventions which are, or may be, in force between the United States and Great Britain, and the provisions of any treaties which are, or may be, in force between the two countries which relate to extradition or consular rights shall apply to the mandated territory.

ARTICLE 7

Nothing contained in the present convention shall be affected by any modification which may be made in the terms of the mandate, as recited above, unless such modification shall have been assented to by the United States.

ARTICLE 8

The present convention shall be ratified in accordance with the respective constitutional methods of the High Contracting Parties. The ratifications shall be exchanged in London as soon as practicable. The present convention shall take effect on the date of the exchange of ratifications.

In witness whereof, the undersigned have signed the present convention, and have thereunto affixed their seals.

Done in duplicate at London, this 3rd day of December, 1924.

[SEAL]

FRANK B. KELLOGG.

[SEAL]

AUSTEN CHAMBERLAIN.

RESOLUTION OF U. S. SENATE ADVISING AND CONSENTING TO THE ADHERENCE
OF THE UNITED STATES TO THE PERMANENT COURT OF INTERNATIONAL
JUSTICE¹

January 16 (calendar day, January 27), 1926

Whereas the President, under date of February 24, 1923, transmitted a message to the Senate, accompanied by a letter from the Secretary of State, dated February 17, 1923, asking the favorable advice and consent of the Senate to the adherence on the part of the United States to the protocol of December 16, 1920, of signature of the statute for the Permanent Court of International Justice, set out in the said message of the President (without accepting or agreeing to the optional clause for compulsory jurisdiction contained therein), upon the conditions and understandings hereafter stated, to be made a part of the instrument of adherence: Therefore be it

Resolved (two-thirds of the Senators present concurring), That the Senate advise and consent to the adherence on the part of the United States to the said protocol of December 16, 1920, and the adjoined statute for the Permanent Court of International Justice (without accepting or agreeing to the optional clause for compulsory jurisdiction contained in said statute),² and that the signature of the United States be affixed to the said protocol, subject to the following reservations and understandings, which are hereby made a part and condition of this resolution, namely:

1. That such adherence shall not be taken to involve any legal relation on the part of the United States to the League of Nations or the assumption of any obligations by the United States under the treaty of Versailles.

2. That the United States shall be permitted to participate through representatives designated for the purpose and upon an equality with the other states, members, respectively, of the council and assembly of the League of Nations, in any and all proceedings of either the council or the assembly for the election of judges or deputy judges of the Permanent Court of International Justice or for the filling of vacancies.

3. That the United States will pay a fair share of the expenses of the court as determined and appropriated from time to time by the Congress of the United States.

4. That the United States may at any time withdraw its adherence to the said protocol and that the statute for the Permanent Court of International Justice adjoined to the protocol shall not be amended without the consent of the United States.

5. That the court shall not render any advisory opinion except publicly after due notice to all States adhering to the court and to all interested States

¹ Senate Resolution 5, 69th Cong. 1st Sess.

² The resolution concerning the establishment of the Permanent Court of International Justice passed by the Assembly of the League of Nations on Dec. 13, 1920, the Protocol of Signature of Dec. 16, 1920, the Optional Clause, and the Statute for the Court, are printed in the Supplement to the JOURNAL for April, 1923 (Vol. 17), pp. 55-69.

and after public hearing or opportunity for hearing given to any State concerned; nor shall it, without the consent of the United States, entertain any request for an advisory opinion touching any dispute or question in which the United States has or claims an interest.

The signature of the United States to the said protocol shall not be affixed until the powers signatory to such protocol shall have indicated, through an exchange of notes, their acceptance of the foregoing reservations and understandings as a part and a condition of adherence by the United States to the said protocol.

Resolved further, As a part of this act of ratification that the United States approve the protocol and statute hereinabove mentioned, with the understanding that recourse to the Permanent Court of International Justice for the settlement of differences between the United States and any other State or States can be had only by agreement thereto through general or special treaties concluded between the parties in dispute; and

Resolved further, That adherence to the said protocol and statute hereby approved shall not be so construed as to require the United States to depart from its traditional policy of not intruding upon, interfering with, or entangling itself in the political questions of policy or internal administration of any foreign State; nor shall adherence to the said protocol and statute be construed to imply a relinquishment by the United States of its traditional attitude toward purely American questions.

SIGNATURES AND RATIFICATIONS OF THE PROTOCOL OF SIGNATURE OF THE
PERMANENT COURT OF INTERNATIONAL JUSTICE ¹

<i>Signatures</i>	<i>Ratifications</i>
UNION OF SOUTH AFRICA	August 4, 1921
ALBANIA	July 13, 1921
AUSTRALIA	August 4, 1921
AUSTRIA	July 23, 1921
BELGIUM	August 29, 1921
BOLIVIA	—
BRAZIL	November 1, 1921
BRITISH EMPIRE	August 4, 1921
BULGARIA	August 12, 1921
CANADA	August 4, 1921
CHILE	—
CHINA	May 13, 1922
COLOMBIA	—
COSTA RICA	—
CUBA	January 12, 1922

¹ For the text of the Protocol of Signature, see Supplement to the JOURNAL for April, 1923 (Vol. 17), p. 55.

CZECHOSLOVAKIA	September 2, 1921
DENMARK	June 13, 1921
DOMINICAN REPUBLIC	—
ESTHONIA	May 2, 1923
FINLAND	April 6, 1922
FRANCE	August 7, 1921
GREECE	October 3, 1921
HAITI	September 7, 1921
HUNGARY	November 20, 1925
INDIA	August 4, 1921
ITALY	June 20, 1921
JAPAN	November 16, 1921
LATVIA	February 12, 1924
LIBERIA	—
LITHUANIA	May 16, 1922
LUXEMBURG	—
THE NETHERLANDS	August 6, 1921
NEW ZEALAND	August 4, 1921
NORWAY	August 20, 1921
PANAMA	—
PARAGUAY	—
PERSIA	—
POLAND	August 26, 1921
PORTUGAL	October 8, 1921
ROUMANIA	August 8, 1921
SALVADOR	—
KINGDOM OF THE SERBS, CROATS AND SLOVENES	August 12, 1921
SIAM	February 27, 1922
SPAIN	August 30, 1921
SWEDEN	February 21, 1921
SWITZERLAND	July 25, 1921
URUGUAY	September 27, 1921
VENEZUELA	December 2, 1921

LIST OF STATES WHICH HAVE ACCEPTED THE OPTIONAL CLAUSE CONCERNING
THE COMPULSORY JURISDICTION OF THE PERMANENT COURT OF INTERNA-
TIONAL JUSTICE, SHOWING THE CONDITIONS OF ACCEPTANCE ¹

AUSTRIA	Reciprocity, 5 years.
BELGIUM	Reciprocity, 15 years. In any disputes arising after the ratification of the present declaration with regard to situations or facts subsequent to

¹For the text of the Optional Clause, see Supplement to the JOURNAL for April, 1923 (Vol. 17), p. 56.

	this ratification, except in cases where the parties have agreed or shall agree to have recourse to another method of pacific settlement.
BRAZIL	Reciprocity, 5 years. On condition that compulsory jurisdiction is accepted by at least two of the Powers permanently represented on the Council of the League of Nations.
BULGARIA	Reciprocity.
CHINA	Reciprocity, 5 years.
COSTA RICA	Reciprocity.
DENMARK	Reciprocity, 5 years.
DOMINICAN REPUBLIC	Subject to ratification. Reciprocity, 5 years.
ESTHONIA	Reciprocity, 5 years. Except in cases where some other method of pacific settlement has already been agreed upon.
FINLAND	Reciprocity, 5 years.
FRANCE	Subject to ratification. Reciprocity, 15 years. With the faculty of denunciation in the event of the Protocol of Arbitration, Security and Reduction of Armaments, signed this day, becoming ineffective, and also subject to the observations made in the First Committee of the Fifth Assembly of the effect that "one of the Parties to a dispute may summon the other before the Council of the League of Nations, with a view to an attempt to effect a pacific settlement as provided in paragraph 3 of Article 15 of the Covenant and, during this attempt to settle the dispute by conciliation, neither Party may summon the other before the Court of Justice."
HAITI	
LATVIA	Subject to ratification. Reciprocity, 5 years. Except in cases where some other method of pacific settlement has already been agreed upon.
LIBERIA	Subject to ratification. Reciprocity.
LITHUANIA	5 years.
LUXEMBURG	Subject to ratification. Reciprocity, 5 years.
NETHERLANDS	Reciprocity, 5 years. Except in cases where some other method of pacific settlement has already been agreed upon.
NORWAY	Reciprocity, 5 years.
PANAMA	Reciprocity.
PORTUGAL	Reciprocity.
SALVADOR	Reciprocity.

SWEDEN

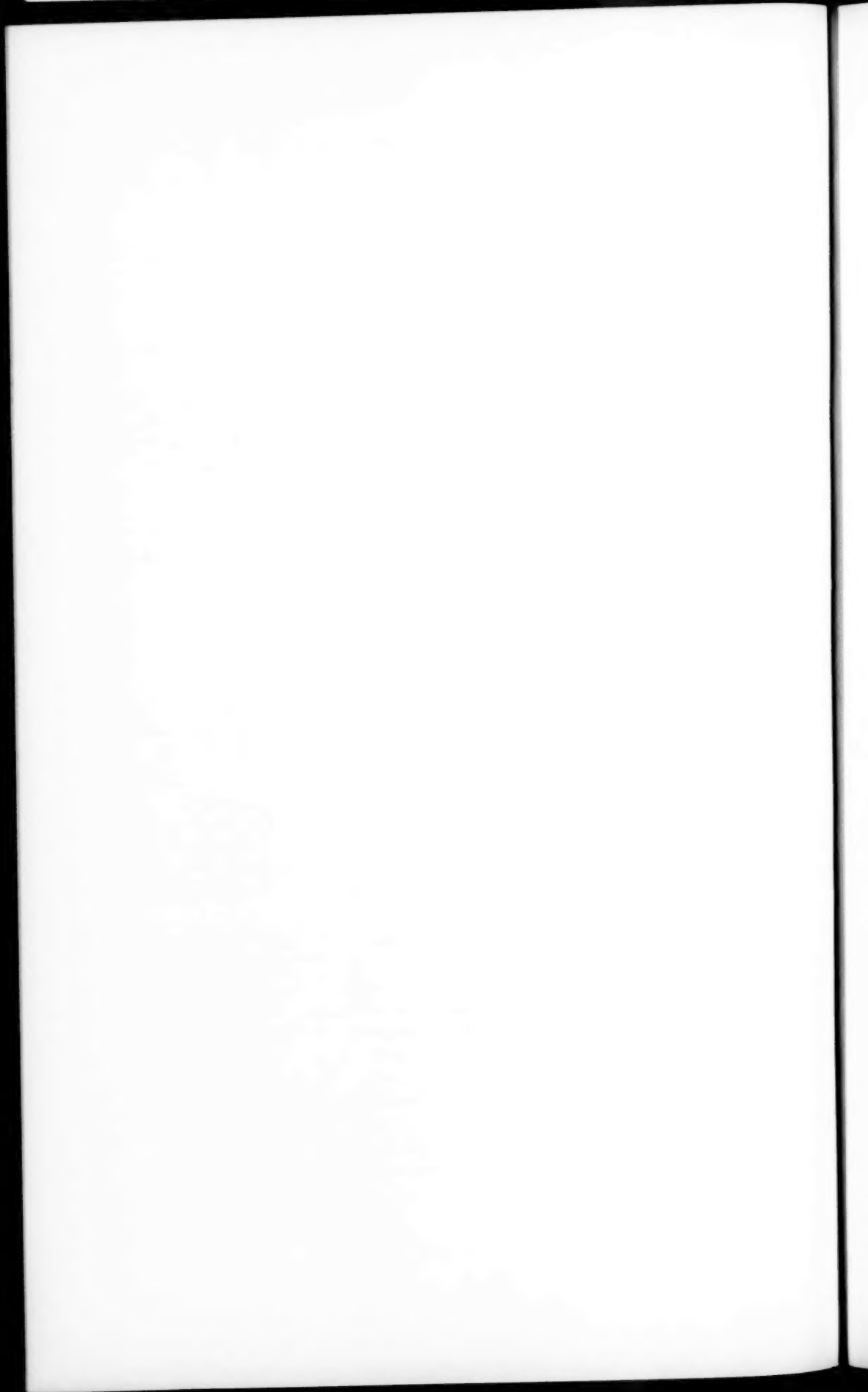
Reciprocity, 5 years.

SWITZERLAND

Reciprocity, 5 years.

URUGUAY

Reciprocity.



OFFICIAL DOCUMENTS

EXTRADITION TREATY BETWEEN THE UNITED STATES AND CZECHOSLOVAKIA ¹

Signed at Prague, July 2, 1925; ratifications exchanged, March 29, 1926

The United States of America and Czechoslovakia desiring to promote the cause of justice, have resolved to conclude a treaty for the extradition of fugitives from justice, between the two countries and have appointed for that purpose the following plenipotentiaries:

The President of the United States of America: Lewis Einstein, Envoy extraordinary and Minister plenipotentiary of the United States of America, and

The President of the Czechoslovak Republic: Dr. Eduard Beneš, Minister for Foreign Affairs of the Czechoslovak Republic,

Who, after having communicated to each other their respective full powers, found to be in good and due form, have agreed upon and concluded the following articles:

ARTICLE I

It is agreed that the Government of the United States and the Government of Czechoslovakia shall, upon requisition duly made as herein provided, deliver up to justice any person, who may be charged with, or may have been convicted of any of the crimes or offenses specified in Article II of the present treaty committed within the jurisdiction of one of the high contracting parties, and who shall seek an asylum or shall be found within the territories of the other; provided that such surrender shall take place only upon such evidence of criminality, as according to the laws of the place where the fugitive or person so charged shall be found, would justify his apprehension and commitment for trial if the crime or offense had been there committed.

ARTICLE II

Persons shall be delivered up according to the provisions of the present treaty, who shall have been charged with or convicted of any of the following crimes or offenses:

1. Murder, comprehending the crimes designated by the term parricide, assassination, manslaughter when voluntary, poisoning or infanticide.
2. Rape, abortion, carnal knowledge of children under the age of fourteen years.
3. Abduction or detention of women or girls for immoral purposes.
4. Bigamy.
5. Arson.

¹U. S. Treaty Series No. 734.

6. Wilful and unlawful destruction or obstruction of railroads, which endangers human life.

7. Crimes committed at sea:

(a) Piracy, as commonly known and defined by the law of nations, or by statute.

(b) Wrongfully sinking or destroying a vessel at sea.

(c) Mutiny or conspiracy of two or more members of the crew or other persons on board of a vessel on the high seas, for the purpose of rebelling against the authority of the captain or commander of such vessel, or by fraud or violence taking possession of such vessel.

(d) Assault on board ship upon the high seas with intent to do bodily harm.

8. Burglary, defined to be the act of breaking into and entering the house of another in the night time with intent to commit a felony therein.

9. The act of breaking into and entering the offices of the government and public authorities or the offices of banks, banking houses, savings banks, trust-companies, insurance and other companies, or other buildings not dwellings with intent to commit a felony therein.

10. Robbery, defined to be the act of feloniously and forcibly taking from the person of another goods or money by violence or by putting him in fear.

11. Forgery or the utterance of forged papers.

12. The forgery or falsification of the official acts of the governments, or public authority, including courts of justice, or the uttering or fraudulent use of any of the same.

13. The fabrication of counterfeit money, whether coin or paper, counterfeit titles or coupons of public debt, created by national, state, provincial, territorial, local or municipal governments, bank notes or other instruments of public credit, counterfeit seals, stamps, dies and marks of state or public administrations, and the utterance, circulation or fraudulent use of the above mentioned objects.

14. Embezzlement or criminal malversation committed within the jurisdiction of one or the other party by public officers or depositaries, where the amount embezzled exceeds one hundred dollars or the Czechoslovak equivalent.

15. Embezzlement by any person or persons, hired, salaried or employed, to the detriment of their employers or principals, when the crime or offense is punishable by imprisonment or other corporal punishment by the laws of both countries, and where the amount embezzled exceeds one hundred dollars or the Czechoslovak equivalent.

16. Kidnapping of minors or adults, defined to be the abduction or detention of a person or persons, in order to exact money from them, their families or any other person or persons, or for any other unlawful end.

17. Larceny, defined to be the theft of effects, personal property, or

money, of the value of twenty-five dollars or more or the Czechoslovak equivalent.

18. Obtaining money, valuable securities or other property by false pretences or receiving any money, valuable securities or other property knowing the same to have been unlawfully obtained, where the amount of money or the value of the property so obtained or received exceeds one hundred dollars or the Czechoslovak equivalent.

19. Perjury or subornation of perjury.

20. Fraud or breach of trust by a bailee, banker, agent, factor, trustee, executor, administrator, guardian, director or officer of any company or corporation, or by any one in any fiduciary position, where the amount of money or the value of the property misappropriated exceeds one hundred dollars or the Czechoslovak equivalent.

21. Crimes and offenses against the laws of both countries for the suppression of slavery and slave trading.

22. Wilful desertion or wilful non-support of minor or dependent children.

The extradition is also to take place for participation in any of the aforesaid crimes as an accessory before or after the fact or in any attempt to commit any of the aforesaid crimes; provided such participation or attempt be punishable by imprisonment by the laws of both contracting parties.

ARTICLE III

The provisions of the present treaty shall not import a claim of extradition for any crime or offense of a political character, nor for acts connected with such crimes or offenses; and no person surrendered by or to either of the high contracting parties in virtue of this treaty shall be tried or punished for a political crime or offense committed before his extradition.

The state applied to or courts of that state shall decide whether the crime or offense is of a political character or not.

When the offense charged comprises the act either of murder or assassination or of poisoning, either consummated or attempted, the fact that the offense was committed or attempted against the life of the sovereign or head of any state or against the life of any member of his family, shall not be deemed sufficient to sustain that such crime or offense was of a political character; or was an act connected with crimes or offenses of a political character.

ARTICLE IV

No person shall be tried for any crime or offense committed before his extradition other than that for which he was surrendered.

ARTICLE V

A fugitive criminal shall not be surrendered under the provisions hereof, when, from lapse of time or other lawful cause, according to the laws of either of the countries within the jurisdiction of which the crime or offense was

committed, the criminal is exempt from prosecution or punishment for the offense for which the surrender is asked.

ARTICLE VI

If the person claimed should be under examination or under punishment in the state applied to for other crime or offense, his extradition shall be deferred until the conclusion of the trial or, in case of his conviction, until the full execution of any punishment imposed upon him.

Yet this circumstance shall not be a hindrance to deciding the request for the extradition in the shortest time possible.

ARTICLE VII

If a fugitive criminal claimed by one of the parties hereto, shall be also claimed by one or more powers pursuant to treaty provisions, on account of crimes or offenses committed within their jurisdiction, such criminal shall be delivered to that state whose demand is first received unless its demand is waived. This article shall not affect such treaties as have already previously been concluded by one of the contracting parties with other states.

ARTICLE VIII

Under the stipulations of this treaty, neither of the high contracting parties shall be bound to deliver up its own citizens.

ARTICLE IX

The expense of arrest, detention, examination and transportation of the accused shall be paid by the government which has preferred the demand for extradition (see Article XI.).

ARTICLE X

Everything found in the possession of the fugitive criminal at the time of his arrest, whether being the proceeds of the crime or offense, or which may be material as evidence in making proof of the crime, shall so far as practicable, according to the laws of either of the high contracting parties, be delivered up with his person at the time of surrender. Nevertheless, the rights of a third party with regard to the articles referred to, shall be duly respected.

ARTICLE XI

The stipulations of the present treaty shall be applicable to all territory wherever situated, belonging to either of the high contracting parties or in the occupancy and under the control of either of them, during such occupancy or control.

Requisitions for the surrender of fugitives from justice shall be made by the respective diplomatic agents of the high contracting parties. In the event of the absence of such agents from the country or its seat of government, or where extradition is sought from territory included in the preceding paragraph, other than the United States or Czechoslovakia, requisitions may be made by superior consular officers.

In case of urgency, the application for arrest and detention may be addressed directly to the competent magistrate in conformity to the statutes in force.

The person provisionally arrested shall be released, unless within two months from the date of commitment in the United States—or from the date of arrest in Czechoslovakia, the formal requisition for surrender, with the documentary proofs hereinafter described, be made as aforesaid by the diplomatic agent of the demanding government, or in his absence, by a consular officer thereof.

If the fugitive criminal shall have been convicted of the crime or offense for which his extradition is asked, a copy of the sentence of the court before which such conviction took place, duly authenticated, shall be produced. If, however, the fugitive is merely charged with crime, a duly authenticated copy of the warrant of arrest in the country where the crime was committed, and of the depositions upon which such warrant may have been issued, shall be produced, with such other evidence or proof as may be deemed competent in the case.

ARTICLE XII

In every case of a request made by either of the high contracting parties, for the arrest, detention or extradition of fugitive criminals, the appropriate legal officers of the country where the proceedings of extradition are had, shall assist the officers of the government demanding the extradition before the respective judges and magistrates, by every legal means within their power.

ARTICLE XIII

The present treaty of which the English and Czechoslovak texts are equally authentic shall be ratified by the high contracting parties in accordance with their respective constitutional methods and shall take effect on the date of the exchange of ratifications which shall take place at Washington as soon as possible.

ARTICLE XIV

The present treaty shall remain in force for a period of ten years and in case neither of the high contracting parties shall have given notice one year before the expiration of that period of its intention to terminate the treaty, it shall continue in force until the expiration of one year from the date on which such notice of termination shall be given by either of the high contracting parties.

In witness whereof the above named plenipotentiaries have signed the present treaty and have hereunto affixed their seals.

Done in duplicate at Prague this second day of July, nineteen hundred and twenty five.

[SEAL] LEWIS EINSTEIN.

[SEAL] Dr. EDUARD BENEŠ.

TREATY OF COMMERCE AND NAVIGATION BETWEEN THE UNITED KINGDOM AND GERMANY, AND ADDITIONAL PROTOCOL¹

Signed at London, December 2, 1924; ratifications exchanged, September 8, 1925

His Majesty the King of the United Kingdom of Great Britain and Ireland and of the British Dominions beyond the Seas, Emperor of India, and the President of the German Reich being desirous of further facilitating and extending the commercial relations already existing between their respective countries, have determined to conclude a Treaty of Commerce and Navigation with this object, and have appointed their plenipotentiaries, that is to say:

His Britannic Majesty:

The Right Honourable Joseph Austen Chamberlain, M.P., His Majesty's Principal Secretary of State for Foreign Affairs; and

His Excellency the Right Honourable Lord D'Abernon, G.C.M.G., His Majesty's Ambassador Extraordinary and Plenipotentiary at Berlin;

The President of the German Reich:

His Excellency Dr. Freidrich Sthamer, Ambassador Extraordinary and Plenipotentiary of the German Reich in London; and

Dr. Carl von Schubert, Director in the German Ministry of Foreign Affairs;

Who, after having communicated to each other their respective full powers, found in good and due form, have agreed upon the following articles:

ARTICLE 1

There shall be between the territories of the two contracting parties reciprocal freedom of commerce and navigation.

The subjects or citizens of each of the two contracting parties shall have liberty freely to come, with their ships and cargoes, to all places and ports in the territories of the other to which subjects or citizens of that contracting party are or may be permitted to come, and shall enjoy the same rights, privileges, liberties, favours, immunities and exemptions in matters of commerce and navigation as are or may be enjoyed by subjects or citizens of that contracting party.

ARTICLE 2

The subjects or citizens of each of the two contracting parties in the territories of the other shall enjoy, in respect of their persons, their property, rights and interests, and in respect of their commerce, industry, business, profession, occupation or any other matter, in every way the same treatment and legal protection as the subjects or citizens of that party or of the most favoured foreign country, in as far as taxes, rates, customs, imposts, fees which are substantially taxes, and other similar charges are concerned.

¹British Treaty Series No. 45 (1925).

ARTICLE 3

The two contracting parties agree that in all matters relating to commerce, navigation and industry, any privilege, favour or immunity which either of the two contracting parties has actually granted or may hereafter grant to the ships and subjects or citizens of any other foreign country shall be extended simultaneously and unconditionally, without request and without compensation, to the ships and subjects or citizens of the other, it being their intention that the commerce, navigation and industry of each of the two contracting parties shall be placed in all respects on the footing of the most favoured nation.

ARTICLE 4

The provisions of the present treaty with regard to the grant of the treatment of the most favoured nation do not extend to:

1. Favours granted by one of the two contracting parties to an adjoining state to facilitate traffic for certain frontier districts, as a rule not extending beyond 15 kilometres on each side of the frontier, and for residents in such districts.

2. Favours granted by one of the two contracting parties to a third state in virtue of a customs union which has already been or may hereafter be concluded.

3. Favours which one of the two contracting parties had granted or may hereafter grant to a third state in agreements for the avoidance of double taxation, and the mutual protection of the revenue.

4. Favours which Germany has granted or may hereafter grant, directly or indirectly, by virtue of treaties to which His Britannic Majesty is a party, concluding the World War, unless those favours have been extended to a state which has no right to claim them, directly or indirectly, by reason of such treaties.

ARTICLE 5

The subjects or citizens of each of the two contracting parties in the territories of the other shall be at full liberty to acquire and possess every description of property, movable and immovable, which the laws of the other contracting party permit, or shall permit, the subjects or citizens of any other foreign country to acquire and possess. They may dispose of the same by sale, exchange, gift, marriage, testament, or in any other manner, or acquire the same by inheritance, under the same conditions as are or shall be established with regard to subjects or citizens of the other contracting party.

The subjects or citizens of each of the two contracting parties shall also be permitted, on compliance with the laws of the other contracting party, freely to export the proceeds of the sale of their property and their goods in general without being subjected as foreigners to other or higher duties than

those to which subjects or citizens of such party would be liable under similar circumstances.

ARTICLE 6

The subjects or citizens of either of the two contracting parties shall be entitled to enter and reside in the territories of the other so long as they satisfy and observe the conditions and regulations applicable to the entry and residence of all foreigners, and they shall enjoy in respect of the exercise of their trades, professions or industries the same rights as the subjects or citizens of the most favoured foreign country.

ARTICLE 7

The subjects or citizens of each of the two contracting parties in the territories of the other shall be exempted from all compulsory military service whatsoever, whether in the army, navy, air force, national guard or militia. They shall similarly be exempted from all judicial, administrative and municipal functions whatever, other than those imposed by the laws relating to juries, as well as from all contributions, whether pecuniary or in kind, imposed as an equivalent for personal service, and finally from any military exaction or requisition. The charges connected with the possession by any title of landed property are, however, excepted, as well as compulsory billeting and other special military exactions or requisitions to which all subjects or citizens of the other contracting party may be liable as owners or occupiers of buildings or land.

In so far as either of the two contracting parties may levy any military exactions or requisitions on the subjects or citizens of the other, it shall accord the same compensation in respect thereof as is accorded to its own subjects or citizens.

In the above respects the subjects or citizens of one of the two contracting parties shall not be accorded in the territories of the other less favourable treatment than that which is or may be accorded to subjects or citizens of the most favoured foreign country.

ARTICLE 8

Articles produced or manufactured in the territories of one of the two contracting parties, imported into the territories of the other, from whatever place arriving, shall not be subjected to other or higher duties or charges than those paid on the like articles produced or manufactured in any other foreign country.

Subject to the provisions of Article 10, no prohibition or restriction shall be maintained or imposed on the importation of any article, produced or manufactured in the territories of either of the two contracting parties, into the territories of the other, from whatever place arriving, which shall not equally extend to the importation of the like articles produced or manufactured in any other foreign country.

ARTICLE 9

Articles produced or manufactured in the territories of either of the two contracting parties exported to the territories of the other, shall not be subjected to other or higher duties or charges than those paid on the like articles exported to any other foreign country. Subject to the provisions of Article 10 no prohibition or restriction shall be imposed on the exportation of any article from the territories of either of the two contracting parties to the territories of the other which shall not equally extend to the exportation of the like articles to any other foreign country.

ARTICLE 10

Trade and traffic between the territories of the two contracting parties shall, as far as possible, not be impeded by any kind of import or export prohibitions or restrictions.

The two contracting parties agree to limit their right to impose prohibitions or restrictions upon import or export as far as possible to the following cases, it being understood that such prohibitions or restrictions are extended at the same time and in the same way to other foreign countries in which similar conditions prevail:

- (a) Public safety;
- (b) Sanitary grounds or for protection of animals and plants against diseases and pests;
- (c) In respect of weapons, ammunition and war material and, under exceptional circumstances, also in respect of other materials needed in war;
- (d) For the purpose of prohibiting the importation of articles where such prohibition is imposed under the patent laws of the respective parties;
- (e) For the purpose of extending to foreign goods prohibitions and restrictions which are or may hereafter be imposed by internal legislation upon the production, sale, consumption or forwarding within the territories of the party concerned of goods of the same kind produced within those territories, including, in particular, goods which are the subject of a state monopoly or similar arrangement.

Nothing in this article shall preclude either of the two contracting parties from prescribing, in pursuance of general legislation, reasonable regulations as to the manner, form or place of importation, or the marking of imported goods, or of enforcing such regulations by prohibiting the importation of goods which do not comply with them.

ARTICLE 11

The two contracting parties agree that no prohibitions or restrictions on traffic in transit through the territories of either of the two contracting parties from or to the territories of the other shall be imposed under the provisions of Article 17 of this treaty which are not extended at the same time and in the same way to other countries in which similar conditions prevail.

ARTICLE 12

In so far as, having regard to the provisions of the two preceding articles, prohibitions and restrictions may be enforced, the two contracting parties undertake as regards import and export licences to do everything in their power to ensure:

(a) That the conditions to be fulfilled and the formalities to be observed in order to obtain such licences should be brought immediately in the clearest and most definite form to the notice of the public;

(b) That the method of issue of the certificates of licences should be as simple and stable as possible;

(c) That the examination of applications and the issue of licences to the applicants should be carried out with the least possible delay;

(d) That the system of issuing licences should be such as to prevent the traffic in licences. With this object, licences, when issued to individuals, should state the name of the holder and should not be capable of being used by any other person;

(e) That, in the event of the fixing of rations, the formalities required by the importing country should not be such as to prevent an equitable allocation of the quantities of goods of which the importation is authorised.

ARTICLE 13

The two contracting parties agree to take the most appropriate measures by their national legislation and administration both to prevent the arbitrary or unjust application of their laws and regulations with regard to customs and other similar matters, and to ensure redress by administrative, judicial or arbitral procedure for those who have been prejudiced by such abuses.

ARTICLE 14

No internal duties shall be levied within the territories of either of the two contracting parties for the benefit of the state or local authorities or corporations on goods the produce or manufacture of the territories of the other party which are other or greater than the duties levied in similar circumstances in the like goods of national origin or of any other foreign origin.

ARTICLE 15

The stipulations of the present treaty with regard to the mutual grant of the treatment of the most favoured nation apply unconditionally to the treatment of commercial travellers and their samples. In this matter the two contracting parties agree to carry out the provisions of the International Convention relating to the Simplification of Customs Formalities signed at Geneva on the 3rd November, 1923.

ARTICLE 16

Limited liability and other companies, partnerships and associations formed for the purpose of commerce, insurance, finance, industry, transport or any other business and established in the territories of either party shall, provided that they have been duly constituted in accordance with the laws in force in such territories, be entitled, in the territories of the other, to exercise their rights and appear in the courts either as plaintiffs or defendants, subject to the laws of such other party.

Limited liability and other companies, partnerships and associations of either party which shall have been admitted in accordance with the laws and regulations in force in the territories of the other party shall enjoy in those territories the same treatment in regard to taxation as is accorded to the limited liability and other companies, partnerships and associations of that party.

Furthermore each of the two contracting parties undertakes to place no obstacle in the way of such companies, partnerships and associations which may desire to carry on in its territories, whether through the establishment of branches or otherwise, any description of business, which the companies, partnerships and associations or subjects or citizens of any other foreign country are or may be permitted to carry on.

In no case shall the treatment accorded by either of the two contracting parties to companies, partnerships and associations of the other be less favourable in respect of any matter whatever than that accorded to companies, partnerships and associations of the most favoured foreign country.

It is understood that the foregoing provisions are applicable to companies, partnerships and associations constituted before the signature of the present treaty as well as to those which may be constituted subsequently.

Nothing in this article shall prejudice the right of either party to impose or maintain laws and regulations governing the disposal of immovable property, provided that in regard to this matter the treatment of the most favoured nation is applied.

ARTICLE 17

The measures taken by the two contracting parties for regulating and forwarding traffic across their territories shall facilitate free transit by rail or waterway on routes in use convenient for international transit. No distinction shall be made which is based on the nationality of persons, the flag of vessels, the place of origin, departure, entry, exit or destination or on any circumstances relating to the ownership of goods or of vessels, coaching or goods stock, or other means of transport.

In order to ensure the application of the foregoing provisions the two contracting parties will allow transit across their territorial waters in accordance with the customary conditions and reserves.

Traffic in transit shall not be subject to any special dues in respect of

transit (including entry and exit). Nevertheless, on such traffic in transit there may be levied dues intended solely to defray expenses of supervision and administration entailed by such transit. The rate of any such dues must correspond as nearly as possible with the expenses which they are intended to cover, and the dues must be imposed under the conditions of equality laid down in the first paragraph of this article, except that on certain routes such dues may be reduced or even abolished on account of differences in the cost of supervision.

Neither of the two contracting parties shall be bound by this article to afford transit for passengers whose admission into its territories is forbidden, or for goods of a kind of which the importation is prohibited either on grounds of public health or security or as a precaution against diseases of animals or plants.

Each of the two contracting parties shall be entitled to take reasonable precautions to ensure that persons, baggage and goods, particularly goods which are the subject of monopoly and also vessels, coaching and goods stock and other means of transport are really in transit, as well as to ensure that passengers in transit are in a position to complete their journey, and to prevent the safety of the routes and means of communication being in danger.

Nothing in this article shall affect the measures which either of the two contracting parties may feel called upon to take in pursuance of general international conventions to which it is a party or which may be concluded hereafter, particularly conventions concluded under the auspices of the League of Nations relating to the transit, export or import of particular kinds of articles such as opium or other dangerous drugs or the produce of fisheries or in pursuance of general conventions intended to prevent any infringement of industrial, literary or artistic property, or relating to false marks, false indications of origin or other methods of unfair competition.

Any haulage service established as a monopoly on waterways used for transit must be so organised as not to hinder the transit of vessels.

For the purposes of this treaty persons, baggage and goods and also vessels, coaching and goods stock and other means of transport, shall be deemed to be in transit across the territories of one of the two contracting parties, when the passage across such territories, with or without transshipment, warehousing, breaking bulk, or change in the mode of transport, is only a portion of a complete journey, beginning and terminating beyond the frontier of the party across whose territory the transit takes place. Traffic of this nature is termed in this article "traffic in transit."

ARTICLE 18

Each of the two contracting parties shall permit the importation or exportation of all merchandise which may be legally imported or exported, and also the carriage of passengers from or to their respective

territories, upon the vessels of the other; and such vessels, their cargoes and passengers shall enjoy the same privileges as, and shall not be subjected to any other or higher duties or charges than national vessels and their cargoes and passengers or the vessels of any other foreign country and their cargoes and passengers.

It is agreed that the foregoing provisions preclude either of the contracting parties from imposing differential flag duties or charges on goods or passengers carried in vessels of the other.

The two contracting parties further agree, in regard to facilities for international railway traffic and to the rates and conditions of their application, to refrain from all discrimination of an unfair nature directed against the goods, nationals, or vessels of the other.

Tariffs, reductions in rates or other railway facilities, the application of which is dependent upon previous or subsequent carriage of the goods upon vessels of a certain state-owned or private shipping undertaking, or which are made conditional upon a given sea or river connection, shall unconditionally apply in the same direction and on the same routes to the goods carried in the vessels of one of the two contracting parties and arriving at or departing from a harbour of the other contracting party.

ARTICLE 19

In all that regards the stationing, loading and unloading of vessels in the ports, docks, roadsteads and harbours of the territories of the two contracting parties, no privilege or facility shall be granted by either party to vessels of any other foreign country or to national vessels which is not equally granted to vessels of the other party from whatsoever place they may arrive and whatever may be their place of destination.

ARTICLE 20

In regard to duties of tonnage, harbour, pilotage, lighthouse, quarantine or other analogous duties or charges of whatever denomination levied in the name or for the profit of the Government, public functionaries, private individuals, corporations or establishments of any kind, the vessels of each of the two contracting parties shall enjoy in the ports of the territories of the other treatment at least as favourable as that accorded to national vessels or the vessels of any other foreign country.

All dues and charges levied for the use of maritime ports shall be duly published before coming into force. The same shall apply to the by-laws and regulations of the ports. In each maritime port the port authority shall keep open for inspection by all persons concerned a table of the dues and charges in force, as well as a copy of the by-laws and regulations.

ARTICLE 21

The provisions of this treaty relating to the mutual concession of national treatment in matters of navigation do not apply to the coasting trade, in

respect of which the subjects or citizens and vessels of each of the contracting parties shall enjoy most-favoured-nation treatment in the territories of the other, provided that reciprocity be assured.

The vessels of either contracting party may, nevertheless, proceed from one port to another, either for the purpose of landing the whole or part of their cargoes or passengers brought from abroad, or of taking on board the whole or part of their cargoes or passengers for a foreign destination.

It is also understood that in the event of the coasting trade of either party being exclusively reserved to national vessels, the vessels of the other party, if engaged in trade to or from places not within the limits of the coasting trade so reserved, shall not be prohibited from the carriage between two ports of the territories of the former party of passengers holding through tickets or merchandise consigned on through bills of lading to or from places not within the above-mentioned limits, and while engaged in such carriage these vessels and their passengers and cargoes shall enjoy the full privileges of this treaty.

ARTICLE 22

The provisions of this treaty shall not be applicable to the special treatment which is, or may hereafter be, accorded by either party to fish caught by vessels of that party. Fish caught by vessels of either party shall not be treated less favourably in any respect on importation into the territories of the other than fish caught by the vessels of any other foreign country.

ARTICLE 23

Any vessels of either of the two contracting parties which may be compelled, by stress of weather or by accident, to take shelter in a port of the territories of the other, shall be at liberty to refit therein, to procure all necessary stores and to put to sea again, without paying any dues other than such as would be payable in a similar case by a national vessel. In case, however, the master of a merchant vessel should be under the necessity of disposing of a part of his merchandise in order to defray his expenses, he shall be bound to conform to the regulations and tariffs of the place to which he may have come.

If any vessel of one of the two contracting parties shall run aground or be wrecked upon the coasts of the territories of the other, such vessel and all parts thereof and all furniture and appurtenances belonging thereto, and all goods and merchandise saved therefrom, including any which may have been cast into the sea, or the proceeds thereof, if sold, as well as all papers found on board such stranded or wrecked vessel, shall be given up to the owners of such vessel goods, merchandise, &c., or to their agents when claimed by them. If there are no such owners or agents on the spot, then the vessel, goods, merchandise, &c., referred to shall, in so far as they are the property of a subject or citizen of the second contracting party, be delivered to the consular officer of that contracting party in whose district the wreck or

stranding may have taken place upon being claimed by him within the period fixed by the laws of the contracting party, and such consular officer, owners, or agents shall pay only the expenses incurred in the preservation of the property, together with the salvage or other expenses which would have been payable in the like case of a wreck or stranding of a national vessel.

The two contracting parties agree, however, that merchandise saved shall not be subjected to the payment of any customs duty unless cleared for internal consumption.

In the case of a vessel being driven in by stress of weather, run aground or wrecked, the respective consular officer shall, if the owner or master or other agent of the owner is not present or is present and requires it, be authorised to interpose, in order to afford the necessary assistance to his fellow-countrymen.

ARTICLE 24

The vessels of each of the two contracting parties, together with their cargoes and passengers, shall receive on the natural and artificial inland waterways and in the public inland harbours of the other, treatment in respect of navigation, particularly as regards dues and other charges, not less favourable than that accorded to national vessels and their cargoes and passengers or the vessels of the most favoured foreign country and their cargoes and passengers.

ARTICLE 25

Each of the two contracting parties will within the limits permitted by its laws and subject to the conditions of equivalence and reciprocity accept the regulations prescribed by the other relating to the measurements, fittings, equipment or safety of ships.

ARTICLE 26

The provisions of this treaty with regard to the vessels of the two contracting parties shall not extend to vessels registered in any part of their territories to which the treaty is not, or is not made, applicable.

ARTICLE 27

It shall be free to each of the two contracting parties to appoint consuls-general, consuls, vice-consuls and consular agents to reside in the towns and ports of the territories of the other to which such representatives of any other nation may be admitted by the respective governments. Such consuls-general, consuls, vice-consuls and consular agents, however, shall not enter upon their functions until after they shall have been approved and admitted in the usual form by the government to which they are sent.

The consular officials of one of the two contracting parties shall enjoy in the territories of the other the same official rights, privileges and exemptions,

provided reciprocity be granted, as are or may be accorded to similar officials of any other foreign country.

ARTICLE 28

When a subject or citizen of one of the two contracting parties dies within the territories of the other, leaving non-resident heirs, the consular representative of the other party is entitled without express authorisation from such non-resident heirs to represent them so far as the laws of the country do not expressly prohibit such representation, in all matters pertaining to administration of the property and settlement of the estate with the right to collect the distributive shares of such heirs, provided that the general laws of the country do not expressly demand the personal presence of the heirs or provided that an executor has not been appointed.

The consular officers of one of the two contracting parties residing in the territories of the other shall receive from the local authorities such assistance as can by law be given to them for the recovery of deserters from the vessels of the former party. Provided that this stipulation shall not apply to subjects or citizens of the contracting party in whose territories the desertion takes place.

ARTICLE 29

The subjects or citizens of each of the two contracting parties shall have in the territories of the other the same rights as subjects or citizens of that contracting party in regard to patents for inventions, trade marks, and designs, upon fulfilment of the formalities prescribed by law.

ARTICLE 30

The two contracting parties agree in principle that any dispute that may arise between them as to the proper interpretation or application of any of the provisions of the present treaty shall, at the request of either party, be referred to arbitration.

The court of arbitration to which disputes shall be referred shall be the Permanent Court of International Justice at The Hague, unless in any particular case the two contracting parties agree otherwise.

ARTICLE 31

The stipulations of the present treaty shall not be applicable to India or to any of His Britannic Majesty's self-governing dominions, colonies, possessions or protectorates unless notice is given by His Britannic Majesty's representative at Berlin of the desire of His Britannic Majesty that the said stipulations shall apply to any such territory.

Nevertheless, goods produced or manufactured in India or in any of His Britannic Majesty's self-governing dominions, colonies, possessions or

protectorates shall enjoy in Germany complete and unconditional most-favoured-nation treatment so long as goods produced or manufactured in Germany are accorded in India or such self-governing dominion, colony, possession or protectorate treatment as favourable as that accorded to goods produced or manufactured in any other foreign country.

As regards India, or any of His Britannic Majesty's self-governing dominions, colonies, possession or protectorates to which the provisions of the present treaty shall not have been applied by the 1st September, 1926, the provisions of the second paragraph of this article shall cease to operate three months after notice has been given, at any time after that date, to His Britannic Majesty's representative at Berlin on behalf of the President of the German Reich.

ARTICLE 32

The terms of the preceding article relating to India and to His Britannic Majesty's self-governing dominions, colonies, possessions and protectorates shall apply also to any territory in respect of which a mandate on behalf of the League of Nations has been accepted by His Britannic Majesty.

ARTICLE 33

The present treaty shall be ratified and the ratifications shall be exchanged at London as soon as possible. It shall come into force immediately upon ratification and shall be binding during five years from the date of its coming into force. In case neither of the two contracting parties shall have given notice to the other twelve months before the expiration of the said period of five years of its intention to terminate the present treaty, it shall remain in force until the expiration of one year from the date on which either of the two contracting parties shall have denounced it.

As regards, however, India or any of His Britannic Majesty's self-governing dominions, colonies, possessions or protectorates or any territory in respect of which a mandate on behalf of the League of Nations has been accepted by His Britannic Majesty to which the stipulations of the present treaty shall have been made applicable under Articles 31 and 32, either of the two contracting parties shall have the right to terminate it separately at any time on giving twelve months' notice to that effect.

In witness whereof the respective plenipotentiaries have signed the present treaty and have affixed thereto their seals.

Done at London in duplicate in English and German texts, the 2nd December, 1924.

(L.S.) AUSTEN CHAMBERLAIN.

(L.S.) D'ABERNON.

(L.S.) STHAMER.

(L.S.) C. V. SCHUBERT.

PROTOCOL

(1)

The Treaty of Commerce and Navigation signed this day being based on the principle of the most favoured nation, both parties to the treaty undertake to give the widest possible interpretation to that principle. In particular while retaining their right to take appropriate measures to preserve their own industries they undertake to abstain from using their respective customs tariffs or any other charges as a means of discrimination against the trade of the other, and to give sympathetic consideration to any cases that may be brought to their notice in which, whether as a result of the rates of customs duties or charges themselves or of arbitrary or unreasonable customs classification any such discrimination can be shown to have arisen.

(2)

Within the limits of this undertaking each party agrees not to impose, reimpose or prolong any duties or charges which are specially injurious to the other party. Each party further agrees, when modifying its existing customs tariff and fixing future rates of customs duty as far as they specially affect the interests of the other party to take due regard to reciprocity and to the development on fair and equitable terms of the commerce of the two countries, the German Government taking into full account the favourable treatment at present accorded to goods the produce or manufacture of Germany on importation into the United Kingdom. The parties will also have regard to the same considerations in applying any special prohibitions or restrictions which may be notified under Article 3 of this protocol.

Should either of the two contracting parties be of the opinion that particular rates of customs duty fixed by the other party are not in accordance with the above undertaking both parties agree to enter immediately into verbal negotiations.

(3)

Both contracting parties agree to remove at the earliest possible opportunity, but not later than six months from the coming into force of the treaty signed this day, all forms of prohibition or restriction of importation or exportation, except in those special cases mentioned in Article 10 of the treaty, or in such other special cases as may be notified by either party to the other party before the ratification of the treaty.

(4)

His Britannic Majesty's Government undertake—

(a) To recommend to Parliament the necessary legislation for the removal of the disabilities imposed by the legislation specified below affecting German citizens and German companies in the United Kingdom which do

not extend to the subjects or citizens or companies of the most favoured foreign country, viz.:

Non-Ferrous Metal Industries Act, 1918.

Aliens Restriction (Amendment) Act, 1919. (Section 12.)

Trading with the Enemy (Amendment) Act, 1918. (Section 2.)

(b) In the administration of the Overseas Trade Acts, 1920 to 1924, and the Trade Facilities Acts, 1921 to 1924, not to exclude trade between the United Kingdom and Germany from any benefits to which trade between the United Kingdom and any other foreign country is admitted.

(5)

The German Government undertake—

(a) That insurance companies constituted in accordance with the laws in force in the United Kingdom shall be admitted to carry on business in all parts of Germany, subject to the provisions of the German Insurance Law, and that the section regulating the admittance of foreign insurance companies will be interpreted in the most liberal way as far as insurance companies of the United Kingdom are concerned. The German Government will also give all necessary facilities compatible with German law for the work carried on by the agents in Germany on behalf of the underwriters of the United Kingdom.

(b) That banking companies constituted in accordance with the laws in force in the United Kingdom shall in the pursuance of their business be subjected only to the general German law; that new regulations against the flight of capital shall be so framed that the right to open accounts and to receive deposits may be conferred upon foreign banks; and that they will use their influence with the State Governments to secure that United Kingdom banks shall be treated in a liberal way with regard to the permission to open branch offices and the right to deal in exchange, without prejudice to the right of making the grant of such privileges to foreign banks subject to general reservations.

(6)

In pursuance of the general principle of the mutual accord of national treatment in matters of navigation which is embodied in the treaty signed this day, both parties agree that in regard to the carriage from their respective territories of emigrants (including transmigrants) and to the establishment of agencies by companies engaged in the business of emigration, the vessels and shipping companies of either party shall be placed, in the territories of the other, on exactly the same footing in every respect as national vessels and national shipping companies.

(7)

Both parties hereby place on record their intention to adopt (in so far as they have not already done so) the provisions of—

(1) The conventions and statutes concluded at Barcelona in 1921 respecting freedom of transit and navigable waterways of international commerce;

(2) The conventions and statutes concluded at Geneva in 1923 respecting customs formalities, maritime ports and railways;

(3) The protocol on arbitration clauses drawn up at Geneva in 1923.

(8)

It is agreed that the treaty signed this day shall come into force only after the necessary legislative or administrative measures have been passed by the appropriate authorities in the respective countries.

Done at London in duplicate in English and German texts, the 2nd December, 1924.

AUSTEN CHAMBERLAIN.

D'ABERNON.

STHAMER.

C. V. SCHUBERT.

Minutes of a Meeting between British and German Representatives, held at 4 p. m., on the 2nd December, 1924, at the Foreign Office, London, for the purpose of signing a Treaty of Commerce and Navigation between Great Britain and Germany.

Plenipotentiaries present:

GREAT BRITAIN

The Right Honourable Austen Chamberlain, M.P., His Majesty's Principal Secretary of State for Foreign Affairs.

The Right Honourable Lord D'Abernon, G.C.M.G., His Majesty's Ambassador Extraordinary and Plenipotentiary at Berlin.

GERMANY

His Excellency the German Ambassador, Dr. Sthamer.

Dr. Carl von Schubert, Director in the German Ministry for Foreign Affairs.

The Secretary of State for Foreign Affairs announced that the negotiation of the Treaty of Commerce and Navigation between Great Britain and Germany was now concluded and that the treaty was ready for signature.

The German Ambassador, on behalf of the German delegation, drew attention to the terms of Sir Otto Niemeyer's letter to Herr von Schubert of the 28th November, 1924, and desired that a copy thereof should form an annex to the minutes of this meeting.

The Secretary of State for Foreign Affairs agreed, and stated that the treaty was signed on either side without reservation and upon the understanding that it would not prejudice in any way rights enjoyed under or in virtue of the Treaty of Versailles.

The German Ambassador concurred in this view.

The plenipotentiaries (the Secretary of State for Foreign Affairs and Lord D'Abernon for Great Britain, and the German Ambassador and Herr von Schubert for Germany) then

proceeded to the signature of the treaty and of the protocol attached thereto, and the proceedings terminated.

AUSTEN CHAMBERLAIN.
D'ABERNON.
STHAMER.
C. V. SCHUBERT.

ANNEX

Sir Otto Niemeyer to Herr von Schubert

November 28, 1924.

Dear Herr von Schubert,

I have now been able to consult the Chancellor of the Exchequer, and am in a position to give to you our reply with regard to the Reparation Recovery Act. In the first place, I can repeat my assurance that we have no desire to retain the Act for its own sake, and that the only object of any stipulations which we may make is to secure that by departing from the procedure under the Act, as it at present exists, the British Government does not lose the share of reparation receipts to which it is entitled.

The difficulty which we see in adopting any procedure on the lines of that suggested in the memorandum which you gave to me yesterday, is that the Reparation Recovery Act has a recognised position, and that we must make sure that if we alter the procedure we do not sacrifice the rights which we enjoy in respect of the Act as it stands, in which form the German Government agreed to facilitate its working by reimbursing the amount of the levy to German exporters by Article IX of the Schedule of Payments and by their acceptance of the Dawes plan. We hold, as I told you, that it was the intention of the Dawes Report that the annuities for the first two years should be received in the form of deliveries in kind and local expenditure of the armies of occupation. The Dawes Report explicitly states that where there is reference to deliveries in kind in the report: "We have intended to include therein payments in Germany arising through the operation of the Reparation Recovery Acts." Before, therefore, we could consider any alternative procedure, it would be necessary to ascertain whether the agent-general, the Transfer Committee and the other Governments which signed the London agreements take the view that the annuities for the first two years must be received in deliveries in kind (including payments under the Reparation Recovery Act), and, if so, whether they would take the view that payments under the system which you propose could, for this purpose, be considered as being payments under the Reparation Recovery Act. As I explained to you, the scheme which you propose would necessarily entail the repeal or suspension of the Reparation Recovery Act, and there is, therefore, clearly great doubt how far payments received under an alternative plan would be accepted by all the parties concerned as being subject to the same conditions as payments under the Act as it now exists.

Moreover, under existing inter-Allied agreements our receipts under the Recovery Act are exempt from the charge for Belgian priority and for the United States of America arrears of cost of occupation, and if our position is to be the same under the alternative procedure as under the existing procedure, it would clearly be necessary to obtain an extension of these privileges to our receipts under the new procedure.

It appears to the Chancellor of the Exchequer that the first step must necessarily be to ascertain what view of the matter would be taken by the Agent-General, the Transfer Committee and other parties concerned. It rests with the German Government to ascertain whether it will be possible to get the consent of the Agent-General and the Transfer Committee to a proposal on the lines put forward or on similar lines which would protect the British rights referred to above, and, at the same time, not involve payments by individual merchants. The British Government cannot give any formal assurance, but they are quite ready to use their good offices to secure such a result.

As soon as the necessary consents have been obtained, the British Government will enter into negotiations with the German Government with a view to the introduction of the new procedure.¹

I am, &c.

O. E. NIEMEYER.

AGREEMENT BETWEEN GREAT BRITAIN AND GERMANY FOR AMENDING THE
METHOD OF ADMINISTERING "THE GERMAN REPARATION
(RECOVERY) ACT, 1921"²

Signed at Berlin, April 3, 1925

Whereas it is desired to reduce the burden and to remove the disabilities which the present method of administering "The German Reparation (Recovery) Act, 1921"³ (hereinafter referred to as "the Recovery Act"), places upon trade and commerce between Germany and Great Britain; and

Whereas it is also desired to assure to the Transfer Committee the jurisdiction over payments under the Recovery Act contemplated by the plan of the First Committee of Experts (hereinafter referred to as "the Dawes Plan") and the London Protocol executed on the 30th August, 1924;

Now, therefore, it is agreed between the Government of His Britannic Majesty and the Government of the German Reich that the present method of administration shall be suspended and replaced, as from a date not later than the 1st May, 1925, to be mutually agreed, by a procedure substantially as follows:

(1) The present procedure under the Recovery Act by which a proportion of the value of German goods imported into Great Britain is collected by the British customs from the British importers will be replaced by a system under which an equivalent amount of sterling will be surrendered, of their free consent, by the German exporters in accordance with the provisions of paragraph (2) of this agreement.

The amount of sterling to be surrendered by the German exporters during each month shall be equivalent to 26 per cent (or such other proportion as may from time to time be in force) of the value of German imports into Great Britain during the preceding month.

The value of German imports shall be calculated on the basis of the statistics supplied by the British customs and established on the same principles as are at present in force in regard to the definition of German goods to which the Recovery Act applies.

(2) Out of the sterling proceeds accruing from German exports to Great Britain, the principal German exporting firms, to a number of not less than eight hundred (800) whose names and designations will be communicated to the British Government and to the Agent-General for Reparation Pay-

¹See agreement, *infra*.

²British Treaty Series No. 20 (1925).

³11 and 12 Geo. 5, Chap. 5 (Public General Acts, 1921, p. 15).

ments within fifteen days of the putting into force of this agreement, will each give an individual declaration to the Reich Minister of Finance, in the terms of the specimen declaration annexed hereto, undertaking to surrender in sterling to the Reichsbank each month, beginning with the 1st May, 1925, thirty per cent (30 per cent) of the invoice value of the exports of the firm in question to Great Britain during the previous month. (It is estimated that 30 per cent of the value of the exports consigned by these firms should be approximately equivalent to 26 per cent of the value of the total exports from Germany to Great Britain.)

(3) Out of the sterling sums thus surrendered, the Reichsbank will deposit during each month, at such intervals as may be agreed, to the account of the Agent-General at the Bank of England an amount in sterling equivalent to the Reichsmark credit held by him for account of the British Government and available for payments under the Recovery Act in accordance with the programme established by the Reparation Commission for the particular month after consultation with the Transfer Committee as contemplated by the Dawes Plan.

(4) It is understood that, against telegraphic advice that the sums referred to in paragraph (3) have been duly deposited to his account at the Bank of England, the Agent-General will reimburse the German exporters through the Reichsbank with the equivalent in Reichsmarks of the sterling thus deposited. The equivalent in Reichsmarks will be calculated at the average rate of exchange in Berlin on the date of such deposit.

(5) It is further understood that, subject to the approval of the Transfer Committee, the Agent-General will pay over to the British Government the sterling sums deposited under paragraph (3) above.

(6) If during the first or any subsequent month after the coming into force of this agreement the sterling sums surrendered by the German exporters are in excess of the amounts deposited by the Reichsbank to the account of the Agent-General under paragraph (3) above, the Reichsbank will transfer the surplus sterling (*Uberschuss devisen*) surrendered to the Devisenbeschaffungsstelle G.m.b.H.⁴ to be placed in a special reserve fund up to an amount equivalent to 10 million Reichsmarks. On the coming into force of this agreement, the Devisenbeschaffungsstelle G.m.b.H. shall forthwith pay into this fund the above-mentioned sum in sterling, out of the sterling accruing from exports already in its hands, and it will undertake to secure that the fund is maintained at this level as provided below. The fund shall be under the supervision of the Reichs Finance Ministry, and it shall be open to the British Government and to the Agent-General to ask and obtain at all times any information regarding this fund which they may desire.

If in any month the sterling surrendered by the German exporters is less than the amount which should be deposited to the account of the Agent-

⁴The Devisenbeschaffungsstelle G.m.b.H. is the agency through which the German Government obtains the foreign currencies it requires.

General at the Bank of England under paragraph (3) above, the Devisenbeschaffungsstelle G.m.b.H. shall draw the sum necessary to cover the deficiency out of the Special Reserve Fund and deposit it to the credit of the Agent-General at the Bank of England, being reimbursed by him with the equivalent in Reichsmarks. Further, in that event, it will take steps to expedite the surrender by the German exporters of the sterling accruing from exports (*Uberschuss devisen*), so as to make up the fund again in sterling to the original level of 10 million Reichsmarks.

It is understood that the surplus sterling surrendered by the exporters to the Devisenbeschaffungsstelle G.m.b.H. and deposited in the Special Reserve Fund shall not be reimbursed by the Agent-General nor be credited on account of the Dawes annuity, except as and to the extent that such sterling shall actually be drawn upon and used by the Agent-General for payments to the British Government under paragraph (5).

(7) It is understood and agreed that this agreement merely provides for amending the method of collection of the levy on exports prescribed by the Recovery Act, that the payments made according to its terms shall accordingly be regarded for all purposes as a delivery pursuant to the terms of that Act, and that its provisions are without prejudice to any rights which may be enjoyed by the British Government in respect of that Act under the Dawes Plan, the London Protocol of the 30th August, 1924, or otherwise.

(8) The British and German Governments both recognize the desirability of relieving trade and commerce from the burden of collecting a 26 per cent levy from each transaction and of substituting for the system at present in force a method of administration which will permit the collection of the levy on a statistical basis. If the present agreement should not prove satisfactory in its operation, both governments agree that in order to avoid reverting to the system at present in force, they will appoint a joint committee of experts to explore and report on any other available and practical solutions which will meet the defects which may be revealed.⁵ Both governments agree to use their best endeavors to overcome the difficulties which may arise on the introduction of the new system during 1925.

(9) This agreement shall not come into force unless and until appropriate resolutions, giving effect to its provisions, have been passed by the Transfer Committee and by the Reparation Commission.⁶ Subject to the adoption of such resolutions, the British and German Governments will immediately take the necessary steps to put it into effect.

⁵When informing the German Secretary of State of the receipt of authority from his government to sign the agreement, the British Ambassador in a note dated April 3, 1925, stated: "Should, contrary to expectation, difficulties of execution present themselves, which make the new plan unsatisfactory or unworkable, His Majesty's Government reserve the right, as set forth in the agreement, to revert to the existing procedure." (British Treaty Series No. 20 (1925), p. 5.)

⁶See following extract from report of Agent General for reparation payments, p. 103.

In witness whereof the undersigned, duly authorized to that effect by their respective governments, have signed the present agreement.

Done at Berlin, the 3rd April, 1925.

C. v. SCHUBERT,
*Secretary of State in German
Ministry of Foreign Affairs.*

D'ABERNON,
*His Britannic Majesty's Ambassador Extraordinary
and Plenipotentiary to the German Republic.*

ANNEX

Draft Declaration by the German Exporter

The undersigned firm undertakes herewith to surrender immediately to the Reichsbank in sterling, against reimbursement of the counter-value in Reichsmarks, 30 per cent of the amount of the invoice arising from every export transaction to Great Britain and upon delivery of such sterling proceeds to fill in a form whereon there is to be found the name of the firm surrendering the foreign currencies, the date of the surrender and the amount in question.

THE REPARATION RECOVERY ACTS

*Extract from the Report of the Agent-General for Reparation Payments,
May 30, 1925*¹

The Experts provided in their Report that wherever they referred to payments for deliveries in kind they "intended to include therein payments in Germany arising through the operation of the Reparation Recovery Acts." One of the first problems of the Transfer Committee, therefore, was to bring the administration of the Reparation Recovery Acts into harmony with the rest of the Plan and to put the payments under the Recovery Acts under the same effective control that it was exercising over deliveries in kind.

The Reparation Recovery Act was first introduced by Great Britain in March, 1921, in the form of a law which put a levy on imports into Great Britain from Germany. The law authorized the levy of a tax at a rate not to exceed 50 per cent. This rate was actually put in force at the outset, but it was subsequently reduced, on May 17, 1921, to 26 per cent, and again on February 25, 1924, to 5 per cent. This last reduction was due to the inability of the German Government to make effective reimbursement to its exporters of the amounts collected, but as soon as it became apparent that the Plan would come into operation the old rate of 26 per cent was restored on August 29, 1924. The levy, in fact, depended for its effective operation on reimbursement to the German exporter, in Germany, in the equivalent of the amount withdrawn in England, for otherwise the rate tended to become prohibitive and to shut off trade completely.

¹Official Documents, Reparation Commission, X, pages 21-25 (London: H. M. Stationery Office, 1925).

Shortly after the British Act was passed, to be exact, in April 1921, the French Government enacted a similar Reparation Recovery Act, but the decree making it operative was not issued until September 18, 1924, and it did not go into actual operation until October 1, 1924. Under the French decree the levy also involved a tax of 26 per cent on imports from Germany, and was administered in substantially the same way as the British Act.

The Plan accepted the view that the Reparation Recovery Act payments were to be treated the same as deliveries in kind, and it assimilated them to the same procedure, including the provisions for the formulation of programmes after consultation with the Transfer Committee and the jurisdiction of the Transfer Committee to suspend payments at any time in order to prevent difficulties arising with the foreign exchange. It provided, furthermore, in the all-inclusive paragraph, that the annuity included all payments "for the costs arising out of the war," thus leaving the Agent-General rather than the German Government to make the reimbursement to the German exporter. The Plan, therefore clearly enough recognized the jurisdiction of the Transfer Committee, but there remained the practical difficulty of making its control effective. The existing methods of collection meant, in effect, that the governments imposing the levy confronted the Transfer Committee with an accomplished fact, or, in other words, that by direct action of their own, and without consultation with the Committee, these governments were taking the tax each month out of German exports, leaving the Agent-General with a resulting obligation to reimburse the German exporter out of the annuity with the equivalent sum in Reichsmarks. This tended to make extremely difficult the control of the Transfer Committee over this particular portion of the reparation payments. It also created difficulties with the distribution of the annuity among the Powers, for there was no inherent relation between the Recovery Act levy and the shares to which the respective governments were entitled. The British Recovery Act, for example, was yielding somewhat more each month than the proper monthly share of the British Government in the annuity.

The question of the Recovery Acts accordingly engaged the attention of the Transfer Committee at its first meeting, on October 31, 1924. It was clear that the Committee's jurisdiction could best be enforced through its control over the reimbursements to the German exporter. The Agent-General for Reparation Payments, on November 14, 1924, took the first step to make this practically effective by sending a formal notification to the Finance Minister of the Reich that on and after December 1, 1924, he would repay the German Government for the reimbursements which it made to German exporters under the Recovery Acts only if and to the extent that the Transfer Committee authorized him to do so. For the time being the Transfer Committee gave this authorization, and on this basis the Agent-General proceeded to reimburse to the German Government what it had paid out to the exporters.

At the same time, however, negotiations were begun in an effort to find a more satisfactory method of handling the matter, and particularly one that would give the Transfer Committee more effective control over the payments. It was also desired, if possible, to find a method of collection that would be less burdensome to trade. The system in force meant that every invoice covering a shipment from Germany had to be handled in two sections, 74 per cent being paid to the German exporter in the regular way and 26 per cent being paid to the British or French Government, as the case might be, against a voucher or receipt which the German exporter used in collecting his reimbursement in Germany. The result was great inconvenience to both exporters and importers, and a heavy burden to trade. This was particularly true as between Great Britain and Germany, where the volume of trade was much larger than between France and Germany.

The first negotiations, therefore, related to the British Reparation Recovery Act, and were actively begun in December, 1924, between the British and the German Governments and the Agent-General. A suggestion which at first seemed practicable, developed during the negotiations which were being conducted at that time for the commercial treaty between Great Britain and Germany. It was to the effect that the sum which the British Government might be entitled to receive each month on account of the Reparation Recovery Act might be calculated on a lump-sum basis from the reported figures of exports from Germany to Great Britain and be carried as a credit in Reichsmarks on the books of the Agent-General. This credit, it was suggested, could be made available to the British Government, subject to the control of the Transfer Committee, through the sale of Reichsmark drafts in London, the use of which would be restricted to paying for German goods imported into England. It soon became apparent, however, that this would not work well in practice, because the German exporters themselves were still invoicing their exports to England largely in sterling rather than in Reichsmarks, and there would be little or no market for restricted drafts of this character.

The problem was then approached from the other point of view, on the theory that the German exporters, by their own voluntary action might deliver enough sterling each month to cover the amount which Great Britain was entitled to receive on account of the Recovery Act, and that the sterling bills thus delivered could be used as the medium for making the Recovery Act payments to Great Britain. On March 25, 1925, negotiations were concluded upon this basis and a draft protocol providing for amending the method of administering the British Reparation Recovery Act was duly initialled by representatives of the British and German Governments. The Transfer Committee passed resolutions on the same day giving effect to its provisions, and on April 1st the Reparation Commission also took the necessary action. The protocol was finally signed by the authorized representatives of the two governments on April 3rd, and on April 7th the Brit-

ish Parliament, on the recommendation of the Chancellor of the Exchequer, passed a bill suspending as from midnight on April 9th the collection in Great Britain of the 26 per cent levy.

As from May 1, 1925, the new method of administering the Act has been in effect. Instead of 800 German exporting firms, as provided in the agreement, 1200, representing about 90 per cent of the German export trade with England, have already given undertakings to deliver to the Reichsbank each month 30 per cent of the sterling proceeds accruing to each one of them from exports to Great Britain. Out of the sterling so surrendered, the Reichsbank at agreed intervals each month makes deposits at the Bank of England for credit to the account of the Agent-General for Reparation Payments, representing the sterling equivalent to the Reichsmark credit held by the Agent-General for the British Government and available for payments to it under the Recovery Act in accordance with the programme established by the Reparation Commission after consultation with the Transfer Committee. The Agent-General, in turn, against advice of the deposits to his account with the Bank of England, reimburses the German exporters, through the Reichsbank, with the equivalent in Reichsmarks of the sterling thus deposited, and, subject to the approval of the Transfer Committee, pays over the sterling to the British Government.

It is expected that the aggregate surrenders of sterling by the exporters will be sufficient to cover the requirements of the Recovery Act but the agreement also provides for the creation and maintenance of a reserve fund in the sterling equivalent of 10,000,000 Reichsmarks with the *Devisenbeschaffungsstelle*¹ for use in the event that the sterling surrendered should ever be inadequate.

Operations under the new system began promptly on May 1, 1925, and the sterling necessary to cover its requirements through the month of May has already been surrendered to the Agent-General and paid over to the Bank of England according to the terms of the agreement.

From the point of view of the Transfer Committee the new method of administering the British Recovery Act is entirely satisfactory. It assures to the Committee the full control contemplated by the Plan, first through the fact that it is consulted in the formulation of the programmes, and then through the power of the Committee to suspend payments whenever necessary in its judgment to prevent difficulties arising with the foreign exchange. The new system also has the advantage of adjusting itself automatically to the British Government's share in the available funds in the annuity. Throughout the negotiations leading up to the agreement the Agent-General and the Transfer Committee found both the British Government and the German Government most ready to recognize the jurisdiction of the Transfer Committee and most desirous of arranging an acceptable settlement; and

¹ The *Devisenbeschaffungsstelle* is an office of the German Government which is charged with the purchase of foreign exchange.

it was conceded from the outset that any excess over its proper share that might be collected by the British Government under the old system would be promptly refunded to the Agent-General by way of reimbursement to the annuity. Within the past few weeks, in fact, an adjustment of this character has been completed covering the period up to May 1, 1925, and a repayment of about £335,000 has been made by the British Treasury to the Agent-General on this account.

Satisfactory arrangements have also been concluded with the French Government for bringing the administration of the French Reparation Recovery Act into harmony with the Plan and under the jurisdiction of the Transfer Committee. As a result the French Government, beginning with the month of May, 1925, is depositing to the credit of the Agent-General's Account with the Bank of France, the proceeds of collections under the Reparation Recovery Act in force in France. The sums thus deposited will be paid over to the French Treasury, subject to the approval of the Transfer Committee, within the limits of the French share of the available funds in the annuity. The Transfer Committee, on this basis, has authorized the Agent-General to make continued reimbursement to German exporters in respect to the French Recovery Act.

*Extract from Report of the Agent-General for Reparation Payments,
November 30, 1925*¹

The previous Report set forth in detail the new arrangements made during the first months of the operation of the Plan for the purpose of bringing the administration of the British and French Reparation Recovery Acts into harmony with the general provisions of the Plan, and assuring to the Transfer Committee the full control over Reparation Recovery Act payments contemplated by the Plan. It is unnecessary here to review these arrangements, except to record that they are proving satisfactory in operation and are providing the expected payments. During the first annuity year, the British Government collected in sterling, through the operation of the Reparation Recovery Act, the equivalent of about 155 million gold marks, and the French Government received, in French francs, the equivalent of about 25 million gold marks.

CONVENTION BETWEEN THE UNITED STATES AND MEXICO TO PREVENT
SMUGGLING AND FOR OTHER PURPOSES²

*Signed at Washington, December 23, 1925; ratifications exchanged,
March 18, 1926*

The Government of the United States of America and the Government of the United Mexican States being desirous of coöperating to prevent the

¹Official Documents, Reparation Commission, XI, page 27 (London, H. M. Stationery Office, 1926).

²U. S. Treaty Series No. 732.

smuggling into their respective territories of merchandise, narcotics and other commodities the importation of which is prohibited by the laws of either country, and of aliens, as well as to promote human health and to protect animal and plant life and to conserve and develop the marine life resources off certain of their coasts, have resolved for these purposes to conclude a convention, and to that end have named as their plenipotentiaries:

The President of the United States of America: Frank B. Kellogg, Secretary of State of the United States of America, and

The President of the United Mexican States: Don Manuel C. Tellez, Ambassador Extraordinary and Plenipotentiary of Mexico at Washington.

Who, having communicated to each other their respective full powers, which were found to be in due and proper form, have agreed upon the following articles:

SECTION I—SMUGGLING

ARTICLE I

The high contracting parties agree that all shipments of merchandise crossing the international boundary line between the United States and Mexico, originating in and consigned from either of the two countries, shall be covered by a shipper's export declaration, and a copy of same, verified by the appropriate officials of the country of origin, shall be furnished to the customs officials of the country of destination. It is agreed also that the appropriate officials of either country shall give such information as the appropriate officials of the other country may request concerning the transportation of cargoes or the shipment of merchandise crossing the international boundary line.

ARTICLE II

The high contracting parties agree that clearance of shipments of merchandise by water, air or land from any of the ports of either country to a port of entrance of the other country shall be denied if such shipment comprises articles the introduction of which is prohibited or restricted for whatever cause in the country to which such shipment is destined, provided, however, that such clearance shall not be denied on shipments of restricted merchandise when there has been complete compliance with the conditions of the laws of both countries.

It shall also be deemed to be the obligation of both of the high contracting parties to prevent by every possible means, in accordance with the laws of each particular country, the clearance of any vessel or other vehicle laden with merchandise destined to any port or place when there shall be reasonable cause to believe that such merchandise or any part thereof, whatever may be its ostensible destination, is intended to be illegally introduced into the territory of the other party.

ARTICLE III

The high contracting parties reciprocally agree to exchange promptly all available information concerning the names and activities of all persons known or suspected to be engaged in violations of the laws of the United States of Mexico with respect to smuggling or the introduction of prohibited or restricted articles.

ARTICLE IV

The high contracting parties agree that no merchandise of property of any character shall be authorized to be cleared or despatched out of either country, across the international boundary line, except through ports or places duly authorized to clear such merchandise or property, and to or through duly authorized ports or places on the opposite side of said boundary line; provided, that merchandise or property may be transported across said boundary line at any convenient place under special circumstances and after permits by both countries have been issued therefor.

ARTICLE V

The high contracting parties agree that they will exchange all available information concerning the existence and extent of contagious and infectious diseases of persons, animals, birds or plants, and the ravages of insect pests and the measures being taken to prevent their spread. The parties will also exchange information relative to the study and use of the most effective scientific and administrative means for the suppression and eradication of such diseases and insect pests.

SECTION II—MIGRATION OF PERSONS

ARTICLE VI

Each of the high contracting parties agrees to employ all reasonable measures to prevent the departure of persons destined to territory of the other, except at or through regular ports or places of entry or departure established by the high contracting parties.

ARTICLE VII

In all cases in which a national of one of the high contracting parties is to be deported or expelled from the territory of the other, and in the cases in which a national of either country subject to deportation is allowed voluntarily to depart for the country of his nationality in lieu of deportation, due notice will be given the proper consular representative of the country of such national.

ARTICLE VIII

In all cases in which either of the high contracting parties may suspend or waive its regulations relating to the contracting of laborers in the territory of the other, or in cases where either of the high contracting parties may grant special permits for contract labor, the country granting such permits

or so suspending or waiving its regulations will give due notice thereof to the other.

ARTICLE IX

The high contracting parties mutually agree that they will exchange information regarding persons proceeding to the country of the other and regarding activities of any persons on either side of the border, when there is reasonable ground to believe that such persons are engaged in unlawful migration activities or in conspiracies against the other government or its institutions, when not incompatible with the public interest.

SECTION III—FISHERIES

Preamble

For the three following purposes, namely:

- (1) To facilitate the labors of the corresponding authorities in conserving and developing the marine life resources in the ocean waters off certain coasts of each nation;
- (2) To prevent smuggling in all kinds of marine products;
- (3) And to consider and to make recommendations with respect to the collection of the revenue from fish and other marine products.

The Government of the United States of America and Government of the United Mexican States agree as follows:

ARTICLE X

The high contracting parties agree that the waters dealt with under this convention shall be the waters off the Pacific coasts of California, United States of America, and Lower California, Mexico, including both territorial and extra-territorial waters, the latter being the westward extension of the former.

ARTICLE XI

The high contracting parties agree to establish within two months after the exchange of ratifications of this convention a commission, to be known as the International Fisheries Commission—United States and Mexico, that shall consist of four members, two to be appointed by each party.¹ This

¹ The membership of the commission was announced by the Department of State on April 27, 1926, as follows:

For the United States:

Henry O'Malley, Chief, Commission of Fisheries, Department of Commerce, Washington, D. C.

Norman B. Scofield, in charge of the Department of Commercial Fisheries, for the Fish and Game Commission of the State of California, San Francisco, Calif.

For Mexico:

Engineer José R. Alcaraz, Director of Forests, Game and Fisheries.

Señor Carlos E. Bernstein, Chief of the Inspection Service and of Game and Fisheries in the North and on the West Coast of Lower California.

commission shall continue to exist so long as this convention shall remain in force. Each party shall pay the salaries and expenses of its own members and the joint expenses incurred by the commission shall be paid by the two high contracting parties in equal moieties.

The commission is hereby empowered to organize, to appoint its staff, and to fulfill the requirements of this section.

The commission shall make a thorough study of whatever subjects are necessary for carrying out the purposes of this section and shall submit recommendations unanimously approved by the commission to each government for consideration and approval covering whatever the commission deems necessary for the accomplishment of the purposes of this section. This study shall be undertaken within two months after appointment of the commission and the recommendations shall be submitted as soon as practicable.

ARTICLE XII

The high contracting parties agree that if, after its study of conditions, the International Fisheries Commission recommends the adoption of regulations regarding the subjects set forth in the preamble and such regulations are approved by each government, they shall become binding upon the authorities of both countries and shall be enforced by them.

The high contracting parties agree that the authorities of their respective ports shall refuse to permit any and all fish or marine products to enter the ports if brought into port from the waters specified in Article X and if the port authorities have reasonable grounds to believe that the master has obtained his cargo in violation of the laws of either of the high contracting parties, the regulations which may be adopted, or the provisions of this convention. Fines may be imposed in such cases or such cargoes thus illegally obtained may be declared forfeited and sold at auction to the highest bidder. Any proceeds therefrom shall be regarded as belonging to the high contracting parties in equal moieties and to the extent that may be determined by the high contracting parties to be necessary shall be made available for use in payment of the salaries and expenses of the commission as provided for in Article XI of this convention.

The International Fisheries Commission will inform and will keep informed all port authorities of both nations concerning any and all regulations which may have been established.

SECTION IV—GENERAL PROVISIONS

ARTICLE XIII

It is agreed that when compatible with the public interest the officers and employees of the respective Governments of the United States and Mexico shall, upon request, be directed to furnish such available records and files, or certified copies thereof, as may be considered essential to the trial of civil

or criminal cases. The costs of transcripts of records, depositions, certificates and letters rogatory in civil or criminal cases shall be paid by the nation requesting them. Letters rogatory and commissions shall be executed with all possible despatch and copies of official records or documents shall be certified promptly by the appropriate officials in accordance with the provisions of the laws of the respective countries.

This article shall apply only to cases involving matters covered by this treaty.

ARTICLE XIV

The high contracting parties agree to enact and enforce such legislation as may be necessary to make effective the provisions of this convention with appropriate penalties for the violation thereof.

ARTICLE XV

This convention shall be ratified and the ratifications shall be exchanged at the City of Washington as soon as possible.

The convention shall come into effect at the expiration of ten days from the date of its publication in conformity with the laws of the high contracting parties, and it shall remain in force for one year. If upon the expiration of one year after the convention shall have been in force no notice is given by either party of a desire to terminate the same, it shall continue in force until thirty days after either party shall have given notice to the other of a desire to terminate the convention.

In witness whereof the respective plenipotentiaries have signed the present convention both in the English and Spanish languages, and have thereunto affixed their seals.

Done in duplicate at the City of Washington this twenty-third day of December, one thousand nine hundred and twenty-five.

[SEAL] FRANK B. KELLOGG.

[SEAL] MANUEL C. TÉLLEZ.

AGREEMENT BETWEEN POLAND (INCLUDING THE FREE CITY OF DANZIG) AND THE UNITED STATES ACCORDING MOST-FAVORED-NATION- TREATMENT IN CUSTOMS MATTERS¹

*Exchange of notes between Charles E. Hughes, Secretary of State, and Ladislas Wroblewski, Minister of Poland, Washington, D. C., Feb. 10, 1925;
ratified by Poland, September 14, 1925*

SIR:

I have the honor to make the following statement of my understanding of the agreement reached through recent conversations held at Washington on behalf of the Government of the United States and the Government of the

¹U. S. Treaty Series No. 727.

Republic of Poland with reference to the treatment which the United States shall accord to the commerce of Poland and which Poland shall accord to the commerce of the United States pending the negotiation of a comprehensive treaty of friendship, commerce and consular rights to which the governments of both countries have given careful attention and in favor of which both governments have informally expressed themselves.

These conversations have disclosed a mutual understanding between the two governments which is that, in respect to import, export and other duties and charges affecting commerce, as well as in respect to transit, warehousing and other facilities and the treatment of commercial travelers' samples, the United States will accord to Poland and Poland will accord to the United States, its territories and possessions, unconditional most-favored-nation treatment; and that in the matter of licensing or prohibitions of imports or exports, the United States and Poland, respectively, so far as they at any time maintain such a system, will accord to the commerce of the other treatment as favorable, with respect to commodities, valuations and quantities, as may be accorded to the commerce of any other country.

It is understood that—

No higher or other duties shall be imposed on the importation into or disposition in the United States, its territories or possessions, of any articles the produce or manufacture of Poland than are or shall be payable on like articles the produce or manufacture of any foreign country;

No higher or other duties shall be imposed on the importation into or disposition in Poland of any articles the produce or manufacture of the United States, its territories or possessions, than are or shall be payable on like articles the produce or manufacture of any foreign country;

Similarly, no higher or other duties shall be imposed in the United States, its territories or possessions, or in Poland on the exportation of any articles to the other or to any territory or possession of the other, than are payable on the exportation of like articles to any foreign country;

Every concession with respect to any duty, charge or regulation affecting commerce now accorded or that may hereafter be accorded by the United States or by Poland, by law, proclamation, decree or commercial treaty or agreement, to any foreign country will become immediately applicable without request and without compensation to the commerce of Poland and of the United States and its territories and possessions, respectively:

Provided that this understanding does not relate to

(1) The treatment which the United States accords or may hereafter accord to the commerce of Cuba or any of the territories or possessions of the United States or the Panama Canal Zone, or to the treatment which is or may hereafter be accorded to the commerce of the United States with any of its territories or possessions or to the commerce of its territories or possessions with one another.

(2) The treatment which Poland may accord, in order to facilitate strictly

border traffic, to the products of a zone not exceeding fifteen kilometers in width beyond its frontiers or to the products of the German portions of Upper Silesia under the régime at present existing.

(3) Prohibitions or restrictions of a sanitary character or designed to protect human, animal or plant life or regulations for the enforcement of police or revenue laws.

The Polish Government, which is entrusted with the conduct of the foreign affairs of the Free City of Danzig under Article 104 of the Treaty of Versailles and Articles 2 and 6 of the treaty signed in Paris on November 9, 1920, between Poland and the Free City, declares that the Free City becomes a contracting party to this agreement and assumes the obligations and acquires the rights laid down therein. The above declaration does not relate to those stipulations of this agreement which are accepted by the Republic of Poland with regard to the Free City of Danzig on the basis of rights acquired by treaties.

The present arrangement shall become operative on the day of signature and, unless sooner terminated by mutual agreement, shall continue in force until thirty days after notice of its termination shall have been given by either party; but should either party be prevented by future action of its legislature from carrying out the terms of this arrangement, the obligations thereof shall thereupon lapse.

It is understood that this agreement is subject to ratification by the Polish Diet.

AGREEMENT BETWEEN RUMANIA AND THE UNITED STATES ACCORDING MOST-FAVORED-NATION-TREATMENT IN CUSTOMS MATTERS¹

Exchange of notes between I. G. Duca, Minister for Foreign Affairs, and W. S. Culbertson, American Minister, Bucharest, February 26, 1926

February 26, 1926.

MR. MINISTER:

I have the honor to make the following statement of my understanding of the agreement reached through recent conversations held at Bucharest on behalf of the Government of the United States and the Government of Rumania with reference to the treatment which the United States shall accord to the commerce of Rumania and which Rumania shall accord to the commerce of the United States.

These conversations have disclosed a mutual understanding between the two governments which is that in respect of import and export duties and other duties and charges affecting commerce, as well as in respect of transit,

¹U. S. Treaty Series No. 733.

warehousing and other facilities, and the treatment of commercial travelers' samples, the United States will accord to Rumania, and Rumania will accord to the United States, its territories and possessions, unconditional most-favored-nation treatment; and that in the matter of licensing or prohibitions of imports and exports, each country, so far as it at any time maintains such a system, will accord to the commerce of the other treatment as favorable, with respect to commodities, valuations and quantities, as may be accorded to the commerce of any other country.

It is understood that

No higher or other duties shall be imposed on the importation into or disposition in the United States, its territories or possessions, of any articles the produce or manufacture of Rumania than are or shall be payable on like articles the produce or manufacture of any foreign country;

No higher or other duties shall be imposed on the importation into or disposition in Rumania of any articles the produce or manufacture of the United States, its territories or possessions, than are or shall be payable on like articles the produce or manufacture of any foreign country;

Similarly, no higher or other duties shall be imposed in the United States, its territories or possessions, or in Rumania, on the exportation of any articles to the other or to any territory or possession of the other, than are payable on the exportation of like articles to any foreign country;

Every concession with respect to any duty, charge or regulation affecting commerce now accorded or that may hereafter be accorded by the United States or by Rumania, by law, proclamation, decree or commercial treaty or agreement, to the products of any third country will become immediately applicable without request and without compensation to the commerce of Rumania and of the United States and its territories and possessions, respectively;

Provided that this understanding does not relate to

(1) The treatment which the United States accords or may hereafter accord to the commerce of Cuba or any of the territories or possessions of the United States or the Panama Canal Zone, or to the treatment which is or may hereafter be accorded to the commerce of the United States with any of its territories or possessions or to the commerce of its territories or possessions with one another.

(2) Prohibitions or restrictions of a sanitary character or designed to protect human, animal or plant life or regulations for the enforcement of police or revenue laws.

The present arrangement shall become operative on the day of signature, and, unless sooner terminated by mutual agreement, shall continue in force until thirty days after notice of its termination shall have been given by either party; but should either party be prevented by future action of its legislature from carrying out the terms of this arrangement, the obligations thereof shall thereupon lapse.

THE RUSSO-GERMAN TREATY¹

*Signed at Rapallo, April 16, 1922; ratifications exchanged at Berlin
January 31, 1923*

The German Government, represented by Reichsminister Dr. Walther Rathenau, and the Government of the Russian Socialist Federal Soviet Republic, represented by People's Commissary Tchitcherin, have agreed upon the following provisions:

ARTICLE I

The two governments agree that all questions resulting from the state of war between Germany and Russia shall be settled in the following manner:

(a) Both governments mutually renounce repayment for their war expenses and for damages arising out of the war, that is to say, damages caused to them and their nationals in the zone of war operations by military measures, including all requisitions effected in a hostile country. They renounce in the same way repayment for civil damages inflicted on civilians, that is to say, damages caused to the nationals of the two countries by exceptional war legislation or by violent measures taken by any authority of the state of either side.

(b) All legal relations concerning questions of public or private law resulting from the state of war, including the question of the treatment of merchant ships which fell into the hands of the one side or the other during the war, shall be settled on the basis of reciprocity.

(c) Germany and Russia mutually renounce repayment of expenses incurred for prisoners of war. The German Government also renounces repayment of expenses for soldiers of the Red Army interned in Germany. The Russian Government, for its part, renounces repayment of the sums Germany has derived from the sale of Russian Army material brought into Germany by these interned troops.

ARTICLE II

Germany renounces all claims resulting from the enforcement of the laws and measures of the Soviet Republic as it has affected German nationals or their private rights or the rights of the German State itself, as well as claims resulting from measures taken by the Soviet Republic or its authorities in any other way against subjects of the German State or

¹ German text in the *Reichsgesetzblatt*, Teil II, 1922, p. 677. An English translation of the articles, from which the reprint here has been made, appeared in the *Russian Information and Review*, May 15, 1922, Vol. I, No. 16, p. 379. The same *Review* for March 24, 1923, Vol. II, No. 25, p. 397, states that a supplementary understanding to Article I of the Treaty of Rapallo provides that both governments "agree to recognize the findings of the prize courts of both countries during the War of 1914-1918. They agree mutually to return all vessels that were detained, and to support one another's claims for the return of vessels in the possession of other states."

their private rights, provided that the Soviet Republic shall not satisfy similar claims made by any third state.

ARTICLE III

Consular and diplomatic relations between Germany and the Federal Soviet Republic shall be resumed immediately. The admission of consuls to both countries shall be arranged by special agreement.

ARTICLE IV

Both governments agree, further, that the rights of the nationals of either of the two parties on the other's territory as well as the regulation of commercial relations shall be based on the most-favored-nation principle. This principle does not include rights and facilities granted by the Soviet Government to another Soviet State or to any State that formerly formed part of the Russian Empire.

ARTICLE V

The two governments undertake to give each other mutual assistance for the alleviation of their economic difficulties in the most benevolent spirit. In the event of a general settlement of this question on an international basis, they undertake to have a preliminary exchange of views. The German Government declares itself ready to facilitate, as far as possible, the conclusion and the execution of economic contracts between private enterprises in the two countries.

ARTICLE VI

Article 1, paragraph (b), and Article 4 of this agreement will come into force after the ratification of this document. The other articles will come into force immediately.

Done in duplicate at Rapallo, April 16, 1922.

(Signed) RATHENAU.

(Signed) TCHITCHERIN.

AGREEMENT SUPPLEMENTARY TO THE RUSSO-GERMAN TREATY OF RAPALLO¹

*Signed at Berlin, November 5, 1922; ratifications exchanged at Berlin,
October 26, 1923*

The plenipotentiary of the German Government, namely, the Secretary of the Ministerial Department of the Foreign Office, Baron von Maltzan; and

The plenipotentiary of the Government of the Socialist Soviet Republic of the Ukraine, namely, Mr. Waldemar Aussem, member of the All-Ukrainean Central Executive Committee; as well as

The plenipotentiary of the Governments of the Socialist Soviet Republic of White Russia, Socialist Soviet Republic of Georgia, Socialist Soviet

¹ Translated from the *Reichsgesetzblatt*, 1923, Teil II, p. 315.

Republic of Azerbaijan, Socialist Soviet Republic of Armenia, the Republic of the Far East, namely, the accredited representative and ambassador of the Russian Socialist Federal Soviet Republic to Berlin, Mr. Nicolaus Krestinski,

Having exchanged their full powers, found to be in good and due form, have agreed on the following provisions:

ARTICLE 1

The treaty concluded at Rapallo, April 12, 1922, between the German Reich and the Russian Socialist Federal Soviet Republic shall also apply correspondingly to the relations between the German Reich, on the one part, and the Socialist Soviet Republics (1) Ukraine, (2) White Russia, (3) Georgia, (4) Azerbaijan, (5) Armenia, (6) the Republic of the Far East (hereafter called the R. S. F. S. R.), on the other part. As regards Article 2 of the Treaty of Rapallo, this provision shall apply to the laws and measures mentioned therein and applied up to April 16, 1922.

ARTICLE 2

The German Government and the Government of the Socialist Soviet Republic of the Ukraine have agreed to reserve the question of determining and settling those claims which might have accrued to the advantage of the German Government or the Government of the Ukraine after the termination of the state of war between Germany and the Ukraine, and particularly during the period in which the German troops remained in the Ukraine.

ARTICLE 3

The citizens of one of the contracting parties residing in the territory of the other party shall enjoy there complete legal protection of their persons, according to the provisions of international law and the general laws of the state of their residence.

The German citizens who, observing the passport provisions, may go into the territory of the states allied with the R. S. F. S. R., or are there at present, are guaranteed the inviolability of their entire property which they carried along, as well as of that acquired in the territory of the states allied with the R. S. F. S. R. provided the acquisition and use of the same correspond to the laws of the state of residence, or to the specially concluded agreements with competent organs of that state. The laws and regulations of the states allied with the R. S. F. S. R. shall govern exportation of the property acquired in the states allied with the R. S. F. S. R., in so far as no special agreements may be made.

ARTICLE 4

The governments of the states allied with the R. S. F. S. R. shall have the right to establish public commercial bureaus (*Handelsstellen*) in Germany

in those places where they have diplomatic representatives or consular offices; these bureaux shall enjoy the same legal status as the Russian commercial representation in Germany. In that event it shall be their duty to recognize as binding for them all legal actions undertaken either by the chief of their commercial bureau, or by those charged with authority by him, the latter acting within the limits of the powers conferred upon them.

ARTICLE 5

In order to facilitate the economic relations between the German Reich on the one part, and the states allied with the R. S. F. S. R., on the other part, the following principles are agreed upon:

(1) The treaties concluded between German subjects, German juridical persons or German firms, on the one part, and between the governments of the states allied with the R. S. F. S. R., or their public commercial bureaux mentioned in Article 4, or the natural or juridical persons, or firms belonging to these states, on the other part, as well as the economic results of these treaties, shall be treated according to the laws of the state in which the treaties are concluded and shall be subject to the jurisdiction of this state. This provision does not apply to the treaties concluded before the enforcement of this present treaty.

(2) The treaties mentioned under number (1) may be provided with an arbitral clause. They may also contain an agreement regarding the submission to jurisdiction (*Gerichtsbareit*) of one of the contracting states.

ARTICLE 6

The states allied with the R. S. F. S. R. shall permit those persons, who are of German nationality, but have lost it, as well as their wives and children, to depart, provided that with it [this departure] the moving to Germany is provably connected.

ARTICLE 7

The representation of both parties and their personnel shall be obliged to refrain from agitation or propaganda directed against the government or public institutions of their state of residence.

ARTICLE 8

This treaty may, in consideration of the preceding Articles 3-6 and the corresponding application of Article 4 of the Treaty of Rapallo, be abrogated within a period of three months.

The abrogation may be announced by Germany to any individual state allied with the R. S. F. S. R., effecting only its [Germany's] relation with this state. And *vice versa*, the abrogation may be announced by any individual state to Germany, effecting only the relation between this individual state and Germany.

If the abrogated treaty is not replaced by a commercial treaty, the gov-

ernments concerned shall have the right to establish, after the expiration of the period allowed for the abrogation, a commission consisting of five members for settling the business transactions which had already been started. The members of the commission shall be considered as agents without diplomatic privileges and must settle the business transactions at the utmost within six months after the expiration of this treaty.

ARTICLE 9

This treaty shall be ratified. Special documents of ratifications shall be exchanged between Germany on the one part, and every individual state allied with the R. S. F. S. R. on the other part.¹ With this exchange the treaty becomes in force between the states which take part in the exchange.

Done in seven originals.

Berlin, November 5, 1922.

(Sig.) MALTZAN.

(Sig.) W. AUSSEM.

(Sig.) N. KRESTINSKI.

AGREEMENT BETWEEN GERMANY AND THE UNION OF SOVIET SOCIALIST REPUBLICS, WITH EXCHANGE OF NOTES²

Signed at Berlin, April 24, 1926

The German Government and the Government of the Union of Soviet Socialist Republics, prompted by the desire to do everything in their power that would contribute to the preservation of general peace, and being convinced that the interests of the German people and of the peoples of the U. S. S. R. demand a continuous collaboration that is based upon full confidence, have agreed to consolidate the friendly relations existing between them by the conclusion of a special agreement and have appointed for this purpose as their plenipotentiaries:

The German Government—Mr. Gustav Stresemann, Minister of Foreign Affairs;

The Government of the U. S. S. R.—Mr. Nicholas Krestinsky, Plenipotentiary Representative of the U. S. S. R. in Germany,

¹ The exchange of ratifications between Germany and the Soviet Republics of Ukraine, White Russia, Georgia, Azerbaijan, and Armenia, took place in Berlin, October 26, 1923, between the accredited representatives of the German Reich and the Union of the Socialist Soviet Republics, in which are now united the Russian Socialist Federal Soviet Republic and the states of Ukraine, White Russia, Georgia, Azerbaijan, and Armenia. At the exchange of documents, the accredited representative of the Union of the Socialist Soviet Republics declared that an exchange of ratifications with the Republic of the Far East was not necessary since this republic, by a decision of its national assembly of November 15, 1922, has become dissolved and is now a part of the Russian Socialist Federal Soviet Republic, so that the treaty of Rapallo of April 16, 1922, applies forthwith also to the territory of the former Republic of the Far East. (*Reichsgesetzblatt*, 1923, Teil II, p. 409.)

² *Russian Review*, Washington, June, 1926, pp. 145-147.

Who, having communicated to each other their respective full powers, found to be in good and due form, have agreed upon the following articles:

ARTICLE I

The Rapallo Treaty¹ remains the basis of the mutual relations between Germany and the U. S. S. R.

The German Government and the Government of the U. S. S. R. will maintain friendly contact for the purpose of coördination on all questions of a political or economic nature concerning equally both parties.

ARTICLE II

If, notwithstanding its peaceful attitude, one of the contracting parties is attacked by a third party or a combination of third parties, the second contracting party will observe neutrality during the entire duration of the conflict.

ARTICLE III

If in connection with a conflict such as mentioned in Article II, or if at a time when neither of the contracting parties will be involved in an armed conflict, a coalition will be formed among third countries for the purpose of submitting one of the contracting parties to an economic or financial boycott, the second contracting party will not join such a coalition.

ARTICLE IV

The present agreement is subject to ratification, and the exchange of ratifications will take place in Berlin.

The agreement will come into force on the day of the exchange of ratifications, and will remain in force for five years. In due time, before the expiration of that term, both contracting parties will come to an understanding as to the subsequent forms of their mutual political relations.

Signatures: G. STRESEMANN.
N. KRESTINSKY.

Berlin, April 24, 1926.

Note of the German Government

On the basis of the negotiations concerning the conclusion of the agreement signed today between the German Government and the Government of the Soviet Union, I take the liberty to make the following statement in the name of the German Government:

1. During the negotiations concerning the conclusion of the agreement and in signing it, both governments, in agreement with each other, were proceeding from the opinion that the principle, stipulated by them in Article I, Paragraph 2, of the agreement, concerning coördination on all questions of a political and economic character in which both countries are interested, will

¹Printed, *supra*, pp. 116-117.

essentially contribute to the preservation of general peace. At any rate, both governments, in their negotiations, will be guided by the point of view of the necessity of preserving general peace.

2. In this spirit both governments were also discussing questions of principle connected with Germany's entrance into the League of Nations. The German Government is convinced that its membership in the League of Nations cannot be an obstacle to the friendly development of German-Soviet relations. In accordance with its fundamental idea, the League of Nations is called upon to settle international differences in a peaceful and just manner. The German Government has decided to collaborate with all its might in the carrying out of this idea. Should, nevertheless—a possibility which the German Government does not admit—The League of Nations ever develop tendencies which in contradiction to this fundamental idea of peace would be directed solely against the U. S. S. R., the German Government will counteract such tendencies with all its power.

3. The German Government proceeds from the point of view that this fundamental line of German policy with regard to the U. S. S. R. cannot be prejudiced by a loyal observation of the duties incumbent on Germany after her entrance into the League of Nations under Articles 16 and 17 of the Constitution of the League of Nations concerning the application of sanctions. According to these articles, the question of applying sanctions against the U. S. S. R. irrespective of other considerations could arise only in the case that the U. S. S. R. would start an aggressive war against a third country. In this connection it must be borne in mind that the question as to whether in an armed conflict with a third country the Soviet Union is the attacking party, could be decided with binding power with regard to Germany only with Germany's agreement, and that thus an accusation brought forth in this respect against the U. S. S. R. by the other countries, if considered as unfounded by Germany, will not bind Germany to take part in the measures undertaken on the basis of Article 16. With regard to the question whether Germany can in general take part in the application of sanctions and to what extent it can do so in a concrete case, the German Government refers to the note of December 1, 1925, concerning the interpretation of Article 16, which was handed to the German delegation simultaneously with the signing of the Locarno pact.¹

4. In order to create a solid basis for the smooth settlement of all questions arising between them, both governments consider it convenient to start immediately negotiations concerning the conclusion of a general agreement for the peaceful settlement of conflicts which might arise between the two parties, particular attention being directed to the possibility of applying arbitration and mediation methods.

G. STRESEMANN.

Berlin, April 24, 1926.

¹Printed in Supplement to this JOURNAL, Vol. 20, p. 32 (January, 1926).

Note of the Government of the U. S. S. R. to the German Minister of Foreign Affairs

In acknowledging the receipt of the note which you sent me on the basis of the negotiations concerning the conclusion of the agreement, signed today, between the Government of the U. S. S. R. and the German Government, I beg to inform you, in the name of the Government of the U. S. S. R., as follows:

1. In the negotiations concerning the conclusion of the agreement, and in signing it, both governments were in mutual agreement proceeding from the opinion that the principle—laid down in Article 1, Paragraph 2, of the agreement—relating to the coördination on all questions of a political or an economic character concerning both countries, will contribute essentially to the preservation of general peace. At any rate both governments will in their negotiations be guided by the point of view of the necessity of the preservation of general peace.

2. As regards the questions of principle connected with Germany's entrance into the League of Nations, the Government of the Union of S. S. R. takes cognizance of the statements made in paragraphs 2 and 3 of your note.

3. In order to create a solid basis for the smooth settlement of all questions arising between them, both governments consider it convenient to start immediately negotiations for the conclusion of a general agreement for the peaceful settlement of the conflicts that might arise between both parties, particular attention being directed to the possibility of applying arbitration and mediation methods.

N. KRESTINSKY.

Berlin, April 24, 1926.

AGREEMENT BETWEEN NORWAY AND SWEDEN RELATING TO AIR NAVIGATION ¹

*Signed at Stockholm, May 26, 1923; ratifications exchanged
July 30, 1923*

His Majesty the King of Sweden, and His Majesty the King of Norway, having agreed to conclude an agreement relating to air navigation between Sweden and Norway, have for this purpose named as their authorized representatives:

His Majesty the King of Sweden: His Minister for Foreign Affairs, His Excellency Carl Fredrik Wilhelm Hederstierna;

His Majesty the King of Norway: His Envoy Extraordinary and Minister Plenipotentiary in Stockholm, Johan Herman Wollabaek,

Who, duly authorized thereto, have agreed as follows:

¹ Sweden's Agreements with Foreign Powers, 1923, No. 10. Translation furnished by the American Legation at Stockholm, through the courtesy of the Department of State.

ARTICLE 1

The contracting states mutually acknowledge each other's sovereignty over the entire air space above their land and sea territory.

ARTICLE 2

Each of the two contracting states undertakes in time of peace to allow the private and commercial aircraft of the other state liberty of innocent passage above its territory in accordance with the conditions set forth in this agreement, and to accord the other state every privilege in connection with admittance to its territory which is granted to any non-contracting state.

ARTICLE 3

The regulations of one of the contracting states governing the aerial navigation of its own aircraft shall also apply to the aircraft of the other state seeking admittance to the territory of the first named state, unless otherwise stipulated in this agreement.

The contracting states will endeavor to arrive at the greatest possible uniformity in the establishment of these regulations.

ARTICLE 4

Each of the two contracting states binds itself to issue regulations, which in a satisfactory manner will assure that, in the event of its aircraft finding itself within the territory of the other state, there will be sufficient insurance to cover compensation claims for damages, which in accordance with the laws of the said other state may accrue to anyone suffering injury to person or property outside the aircraft.

The insurance shall be of such amount and character as that required by the state, in whose territory the air navigation takes place, of its own aircraft while engaged in domestic traffic.

Should one of the contracting states not require insurance of its own aircraft while engaged in domestic traffic, the aircraft of the other state when flying over the territory of the first named state shall nevertheless be covered by the same insurance required for domestic services.

As legitimate insurance the contracting states mutually acknowledge insurance for the purpose issued by a recognized domestic insurance concern, provided the said insurance concern settles claims for compensation in case of damage through a representative in the other state.

ARTICLE 5

Each of the two contracting states shall have the right, for military reasons or for the public security, to forbid or limit the possibility of flight over certain areas of its territory under the penalty provided by its laws, but subject to the reservation that in this respect the same regulations shall

apply to the private aircraft of both states. The other state shall be notified of such regulations.

ARTICLE 6

Any aircraft of one of the two contracting states, which finds itself over a prohibited area of the other state, shall immediately give the distress signal prescribed in the air navigation rules (Regulation D), and shall land as soon as possible outside the prohibited territory at one of the aërodromes in that state. The state authorities may, however, demand immediate landing at another place if such landing can take place without danger.

ARTICLE 7

Any aircraft bears the nationality of the state in whose air navigation register it is entered according to Regulation A. I.e.

Certificate of registry issued by the proper authority in the home country shall be recognized as legitimate evidence of the aircraft's nationality.

ARTICLE 8

For admittance of aircraft to the aircraft register of one of the contracting states, domestic ownership is required. If the owner is a domestic corporation of a state, its headquarters must be in that state, and 23 [*sic*, two-thirds] of its directors shall be resident citizens thereof and be shareholders in the corporation, which shall further fulfill all requirements of the said state.

Air craft, which no longer fulfill these demands, shall be removed from the register without delay.

ARTICLE 9

No aircraft can legitimately be registered in more than one of the contracting states.

ARTICLE 10

The contracting states shall, through the proper registration authorities, exchange monthly notices of aircraft entered on or removed from their air navigation registers.

ARTICLE 11

Aircraft employed in traffic between the two contracting states shall, for the purpose of identification while en route, be equipped with the necessary nationality and registry symbols as well as other signs and posters prescribed in accordance with Regulation A.¹

ARTICLE 12

Aircraft employed in traffic between the two contracting states shall be equipped with a certificate of air-worthiness, issued or approved by the state

¹ Omitted from this SUPPLEMENT.

whose nationality symbol the aircraft bears, in accordance with Regulation B.¹

ARTICLE 13

The crews of aircraft employed in traffic between the two contracting states shall, in accordance with Regulation E,¹ be equipped with certificates issued or approved by the state whose nationality symbol the aircraft carry.

ARTICLE 14

The certificates of air-worthiness and crew certificates issued in accordance with Regulations B and E by one of the contracting states shall be recognized as legitimate by the other state.

Either of the two contracting states may, however, in case of traffic over its own territory, refuse to recognize a certificate held by one of its own citizens which has been issued or approved by the other state.

ARTICLE 15

No aircraft of either of the contracting states may carry radio equipment without special permission from the state of its registry. Radio apparatus may only be used by a member of the crew in possession of a special certificate issued by the state of registry. Aircraft fulfilling these regulations may carry radio equipment when traveling over territory of the other contracting state.

Each of the contracting states may decide that certain kinds of aircraft shall carry radio equipment. Regulations to this effect shall be the same for aircraft of both contracting states.

Regulations governing the use of radio equipment shall as far as possible be the same in both of the contracting states.

The air navigation authorities in the contracting states may enter into agreement in regard to mutual regulations in this connection.

ARTICLE 16

Aircraft of one of the contracting states may travel without landing over the territory of the other state. In such travel, aircraft shall follow the route indicated by the state over whose territory the travel takes place. If it is necessary for the public safety, or if there are sufficient grounds to suspect that the laws of the state over which the travel takes place are being violated, the aircraft may be ordered by means of the signals prescribed in the air navigation rules (Regulation D)¹ to land at an *aérodrome*, or, elsewhere, if this is possible.

Aircraft traveling from the territory of one of the contracting states to that of the other shall likewise follow the route indicated by the state in question, and shall land at one of the *aérodromes*, which are specified in the tariff supplement attached to this agreement.

¹Omitted from this SUPPLEMENT.

The designation of specific international air routes by ground markings requires the sanction of the state over which air travel is to take place. For the use without landing of once established international air routes no fee can be demanded by one of the contracting states of aircraft belonging to the other.

ARTICLE 17

For the establishment of regular passenger and freight traffic between the contracting states, the permission of the state with which it is intended to establish such connection is required.

The contracting states bind themselves, however, reciprocally to grant such permission to each others' aircraft, provided that the aircraft of both states be admitted on an equal footing to the use of the connection established.

The transmission of mail will be arranged for by separate agreement between the contracting states.

ARTICLE 18

Each of the two contracting states shall have the right to reserve to its own aircraft all passenger and freight traffic between two points within its own territory. If permission to engage in such traffic is granted to aircraft of any other country, the two contracting states agree to assure each other treatment as most-favored-nation in this respect.

If one of the contracting states institutes modifications of the kind in question, which also affect the other state, its own aircraft may be subject to the same modifications in the other state even though that state does not impose corresponding modifications upon other foreign aircraft.

Modifications and reservations of the character here mentioned shall be made public and the other state notified thereof.

ARTICLE 19

While on transit travel, including landings and necessary delays within the territory of one of the contracting states, any aircraft of the other contracting state may avoid confiscation for infringement of patent rights by furnishing bond, the size of which, in the absence of mutual agreement, shall be determined without delay by the proper authorities of the district in question.

ARTICLE 20

Aircraft of either of the contracting states shall upon travel between the two countries be equipped with:

- (a) Certificate of registry, according to Regulation A;
- (b) Certificate of air-worthiness, according to Regulation B;
- (c) Crew certificate, according to Regulation E;
- (d) List of names of passengers;

- (e) List of goods carried, etc., according to tariff supplement attached to this agreement;
- (f) Log-books etc., according to Regulation C;
- (g) Certificate issued by the domestic air navigation authorities to the effect that insurance has been taken out in accordance with Article 4;
- (h) Possibly a special permit to carry radio equipment.

The aircraft's documents shall indicate who is in command on board.

ARTICLE 21

The log-books shall be kept for a period of two years after the date of the last entry.

ARTICLE 22

Upon the departure or landing of aircraft the proper authorities in the contracting states shall have the right to inspect the aircraft and determine the character of the documents carried.

ARTICLE 23

The aircraft of one of the contracting states shall enjoy the same right to assistance in landing or in case of distress in the other country that domestic aircraft enjoy.

With respect to the rescue at sea of damaged aircraft, the contracting states shall, to the greatest possible extent, apply the existing regulations for saving of shipwrecked vessels.

ARTICLE 24

Every aërodrone in the contracting states commercially open for public use by domestic aircraft shall likewise be open to the aircraft of the other contracting state.

Tariff rates, as well as other stipulations for using such aërodromes, shall be the same in both of the contracting states.

ARTICLE 25

Each of the two contracting states binds itself to cause arrangements to be made to assure that every aircraft traveling within its territory and every aircraft bearing its national symbol, whether traveling within the territory of the other state or within international territory, shall observe the air navigation rules (Regulation D), and to prosecute violations of such rules.

ARTICLE 26

Transportation of explosives, military arms or ammunition by aircraft between the contracting states is forbidden.

ARTICLE 27

Each of the contracting states may forbid or regulate the carriage or use of photographic apparatus on aircraft.

The contracting states shall notify each other of such regulations.

ARTICLE 28

Each of the contracting states may, in consideration for the public safety, impose limiting regulations upon the transportation of other goods than those mentioned in Articles 26 and 27.

The contracting states shall notify each other of such regulations.

ARTICLE 29

All limiting regulations of the nature mentioned in Article 28 shall be equally effective with respect to the private aircraft of both of the contracting states.

ARTICLE 30

All other than military aircraft or aircraft used exclusively in the service of the state as customs, mail or police aircraft, shall be considered private aircraft and are, therefore, subject to all the regulations contained in this agreement.

ARTICLE 31

Every aircraft, which is under the command of a military personage commissioned thereto, shall be considered as military.

ARTICLE 32

The military aircraft of one of the contracting states may neither fly over nor land on the territory of the other contracting state without special permission. If such permission is given, the military aircraft in question shall, in the absence of any other agreement, enjoy the extraterritorial rights usually accorded foreign men-of-war. A military aircraft lacking such a permit, which is forced to land or requested or ordered to land, cannot claim extraterritorial rights on such grounds.

ARTICLE 33

Further agreements shall be concluded between the contracting states mutually with respect to the question of when customs and police aircraft may cross the borders. Extraterritorial rights cannot in any case be granted such aircraft.

ARTICLE 34

This agreement is completed by Regulations A-E,¹ which become effective simultaneously with the agreement and continue in effect for the same period of time.

¹ Omitted from this SUPPLEMENT.

The above-mentioned regulations may be altered or completed by agreement between the air navigation authorities of the two contracting states.

ARTICLE 35

The contracting states shall, in so far as circumstances permit, endeavor to coöperate with respect to:

- (a) Meteorological investigations;
- (b) Publishing of similar air navigation maps and the establishing of a common principle governing orientation marks on the ground;
- (c) The use of radio connections in air service and the establishing of necessary radio stations.

The air navigation authorities in the contracting states may make agreements concerning mutual rules in connection with subjects mentioned under (a) and (b).

ARTICLE 36

The air navigation authorities of the contracting states shall, except in so far as they are vested with decisive authority by this agreement, receive and prepare proposals for alterations in this agreement, and in general handle all questions relating to air traffic between the contracting states.

ARTICLE 37

Each of the contracting states binds itself to accord the aircraft of the other contracting state arriving in, departing from or traveling within its territory, as well as the cargoes carried by them, the same treatment accorded to its own aircraft.

Each of the contracting states binds itself to extend to the other contracting state every privilege extended to a third state with respect to the above.

General rules concerning the relation of the customs authorities to aircraft are specified in a supplement to this agreement,¹ which shall be considered a part of the agreement itself.

ARTICLE 38

Aircraft and their crews, passengers, goods, necessities and provisions shall in observance of the regulations of this agreement, be subject to the existing laws of the country of their sojourn relating to air traffic, customs or other fees and transportation of goods or passengers, as well as to any other pertinent laws or ordinances there in force.

ARTICLE 39

In time of war the regulations of this agreement shall not limit the freedom of action of the contracting states as belligerents or neutrals.

¹*Infra*, pp. 131-133.

ARTICLE 40

Disputes between the contracting states regarding the interpretation or application of this agreement and the regulations annexed thereto shall, unless they can be settled by direct negotiation between the two states, be decided by the Permanent Court of International Justice of the League of Nations.

ARTICLE 41

This agreement shall be ratified and the ratifications exchanged in Stockholm as soon as possible.

The agreement shall be effective from the day upon which ratifications are exchanged. It may be cancelled upon six months' notice given by either of the contracting states.

ARTICLE 42

In witness whereof the authorized representatives of the two contracting states have hereunto affixed their names and seals.

Executed in duplicate in Stockholm, May 26, 1923.

CARL HEDERSTIERNA (Sweden) (SEAL.)

J. H. WOLLEBAEK (Norway) (SEAL.)

TARIFF SUPPLEMENT

Par. 1. Unless otherwise stipulated in *Par. 8*, each aircraft of one of the contracting states shall, upon arrival in the other state, land at, and, upon departure from that state, leave from one of the following names placed, called customs aërodromes:

(1) All aircraft with the exception of seaplanes:

- (a) in Sweden: Stockholm, Östersund, Karlstad, Göteborg and Malmö;
- (b) in Norway: Kjeller's aërodrome and Vernez' drilling field.

(2) Seaplanes:

- (a) In Sweden: Stockholm, Östersund, Karlstad, Strömstad, Göteborg, Hälsingborg and Malmö;
- (b) In Norway: All harbors having customs authorities with the exception of those coming under the regulations regarding prohibited territories.

Par. 2. The Swedish border shall be crossed by Norwegian aircraft in the neighborhood of the customs aërodromes mentioned in *Par. 1*, with the exception of those coming under the regulations regarding prohibited territories. After the border has been passed, aircraft when arriving from a westerly direction, at such a height that signals can be observed, pass over the nearest of the following places: Östersund, Karlstad, Strömstad, Göteborg, Hälsingborg or Malmö; and when arriving from an easterly direction, Stockholm, or, if landing does not take place there, they shall continue along the route which may be indicated.

The Norwegian border may be crossed by Swedish aircraft at any point not included under the regulations regarding prohibited territories. Aircraft

shall follow the route indicated when traveling within Norwegian territory.

Par. 3. Each of the contracting states reserves the right to change or complete the regulations mentioned in *Pars. 1* and *2* upon giving three months' notice of such action to the other state.

Par. 4. Aircraft crossing the border from necessity at other than the designated places, shall land at the next customs aërodrome on its way. Should aircraft be forced to land before reaching a customs aërodrome, the pilot shall notify the nearest customs authorities either direct or by reporting to the nearest police.

The pilot shall be required to describe in detail the necessity of such entry or forced landing.

The aircraft may again proceed only upon the approval of the customs authorities in question. After inspection by them or by the police authorities for them, the log-book shall be stamped and notations made on the cargo list mentioned in *Par. 6* of any divergencies from regulations found. The pilot shall be notified of the customs aërodrome to which he must apply for customs inspection.

Par. 5. Before departure to, and immediately after arrival from, a foreign country the pilot shall show his log-book, as well as the cargo list mentioned in *Par. 6*, to the authorities of the aërodrome.

Par. 6. The pilot shall be required to furnish a detailed cargo list (Form No. 1, attached)¹ covering goods, necessities and provisions carried.

The senders shall be required to furnish detailed advices (Form No. 2, attached)¹ of goods sent. Cargo lists shall correspond with advices.

Moreover, all the special regulations in each country relating to the issuance of custom papers for aircraft and cargo shall be observed.

Par. 7. Before the departure of aircraft the customs authorities shall inspect the cargo lists and advices, conduct the prescribed visits and search and sign the log-books and cargo lists. Signatures shall be accompanied by seals. Goods requiring it shall be sealed and notation made on the cargo lists.

Advices made by senders shall be kept on file in the country of departure for future control of the cargo lists in case of necessity.

Upon arrival the customs authorities shall make sure that the seals are unbroken, receive the goods to be unloaded there for inspection and sign the log-books. In case of aircraft proceeding further to other stations, the cargo lists are returned to the pilots after being signed, otherwise they are kept. Should the seals be found broken and there is cause to believe that they were broken in the other state, the proper authorities shall be notified.

Necessaries and provisions shall be exempt from duty at the discretion of the customs authorities.

Goods or other articles may not be loaded or unloaded without the permission of the customs authorities.

¹Omitted from this SUPPLEMENT.

Par. 8. An exception to the general rules may be made in the case of certain aircraft, especially mail-carrying aircraft, aircraft belonging to air transportation companies, and aircraft belonging to a recognized domestic air navigation society that does not conduct general passenger and freight traffic, which may be exempt from the necessity of landing at the customs aërodromes and be allowed instead to proceed from one given station to another where customs inspection will take place.

Such aircraft may be required to cross the borders within given territories and to exhibit signals of identification agreed upon.

Par. 9. Aircraft of one of the contracting states landing within the territory of the other state is in principle subject to the payment of duty if that state imposes such a duty.

If such aircraft is to be taken out of the country again, exemption from or refund of duty shall be decided in accordance with the laws of the said state in this respect.

As soon as a combination of air navigation societies has been effected between the contracting states, their aircraft shall have the privilege of existing decrees relating to the use of special pass cards (*Triptyques*).

Par. 10. Goods, necessities and provisions carried by aircraft shall be subject to the same customs regulations that apply to articles transported by other means than aircraft.

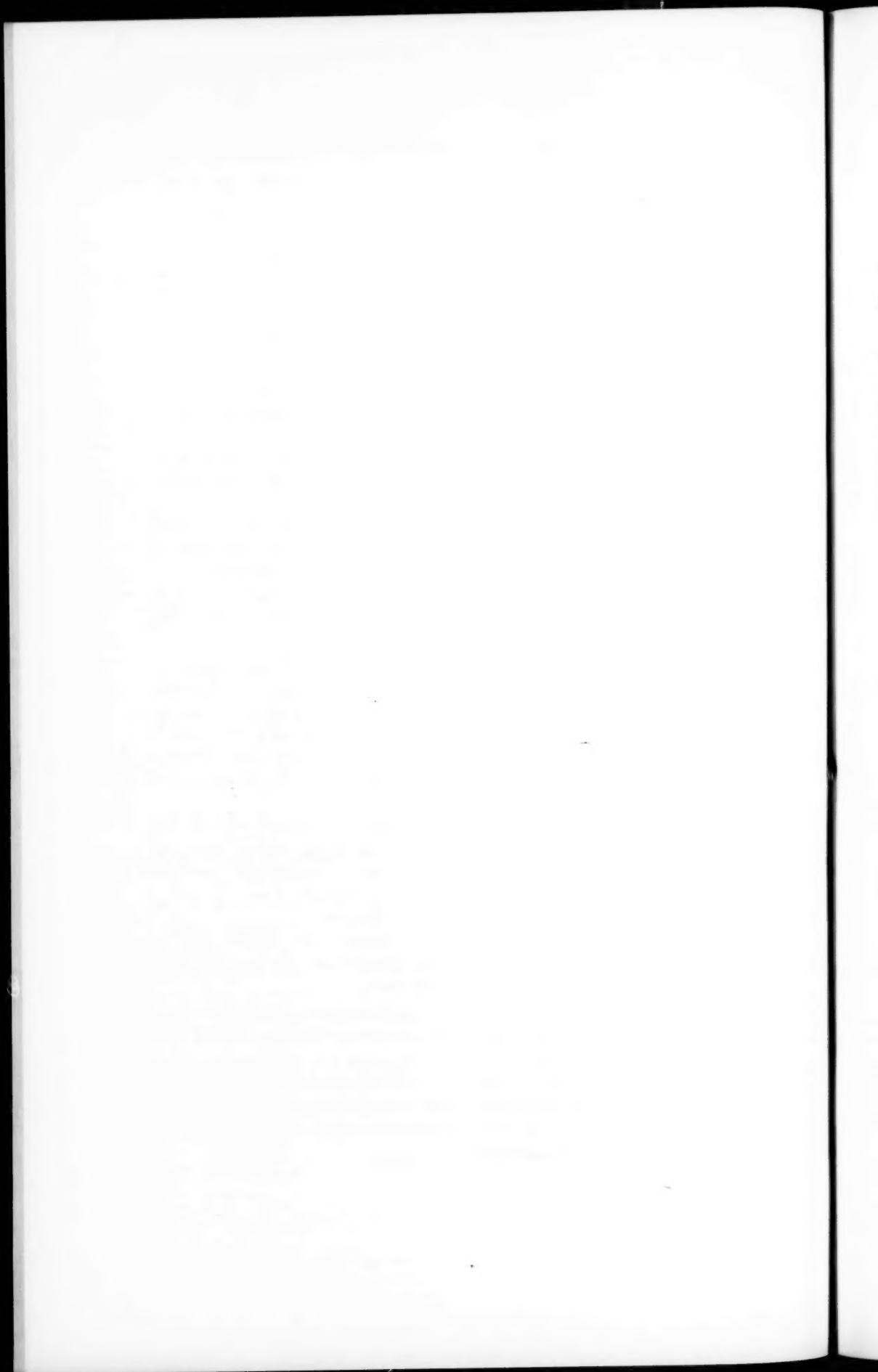
Par. 11. If goods are exported by aircraft from customs' stores, or under claim for refund of or exemption from duty or other import or domestic fees, the sender shall upon request furnish proof that the goods have arrived in the other state. The exemptions applicable in similar cases with respect to goods transported by rail or water shall, however, apply here also. If upon arrival the goods do not correspond with the cargo list, the proper authorities in the country of exportation shall be notified thereof.

Par. 12. Aircraft of one of the contracting states in transit over the territory of the other state in order to reach its destination, without intention of landing, shall be exempt from the customs landing regulations, provided it follows the prescribed route in accordance with Article 16, par. 1, and, if required to do so, gives proper signals of identification.

If a landing within the other territory is planned, the aircraft shall be required to land at one of the given customs aërodromes, the name of which shall be inserted in the log-book before departure.

Par. 13. When penalty is imposed for violation of prescribed regulations, notice of such violation shall be given the customs authorities of the state to which the aircraft belongs.

Par. 14. The regulations contained in this supplement do not apply to military aircraft visiting the other contracting state because of the special permission clause of Article 32 of the agreement, nor to customs and police aircraft (Article 33 of the agreement).



OFFICIAL DOCUMENTS

ADDITIONAL EXTRADITION TREATY BETWEEN THE UNITED STATES AND CUBA¹

Signed at Habana, January 14, 1926; ratifications exchanged, June 18, 1926

The United States of America and the Republic of Cuba, being desirous of enlarging the list of crimes on account of which extradition may be granted with regard to criminal acts committed in the United States of America or in the Republic of Cuba under the treaty concluded between both nations for the extradition of fugitives from justice, signed April 6, 1904, and the protocol amending the Spanish text of said treaty, signed on December 6, 1904, with a view to the better administration of justice and the prevention of crime, have resolved to conclude the present additional treaty and have appointed for this purpose as their respective plenipotentiaries:

The President of the United States of America: Mister Enoch H. Crowder, Ambassador Extraordinary and Plenipotentiary of the United States of America in Cuba; and

The President of the Republic of Cuba: Señor Carlos Manuel de Céspedes y de Quesada, Secretary of State of the Republic of Cuba.

Who, after having communicated to each other their respective full powers, which were found to be in good and proper form, have agreed to the following articles:

ARTICLE I

Number 10 of the list of crimes contained in Article II of the extradition treaty concluded between the Republic of Cuba and the United States of America is increased by the addition of the crime of immoral abuses made criminal by the laws of both countries, said number being drafted to read as follows:

10. Rape; bigamy; immoral abuses when made criminal by the laws of both countries.

ARTICLE II

The following punishable acts are hereby added to the aforementioned list of crimes:

18. Abortion.

19. Seduction and corruption of minors if made criminal by the laws of both countries.

20. Crimes against bankruptcy and suspension of payment laws if made criminal by the laws of both countries.

21. Crimes against the laws for the suppression of the traffic in narcotic products.

¹ U. S. Treaty Series, No. 737.

22. Infractions of the customs laws or ordinances which may constitute crimes.

ARTICLE III

The present treaty shall be considered as an integral part of the aforementioned extradition treaty signed April 6, 1904, which shall be read as if the list of crimes therein contained had originally comprised the additional crimes added to it under the numbers which appear in articles I and II of this treaty.

ARTICLE IV

This treaty shall be ratified by the high contracting parties in accordance with their respective laws, ratifications to be exchanged in the City of Havana, as soon as it may be possible and it shall take effect from the date of the exchange of ratifications and shall remain in force for a period of six months after either of the high contracting parties shall have given notice of a desire to terminate it to the other party.

In witness whereof, the plenipotentiaries above mentioned have signed the two originals of the present treaty and have affixed their respective seals thereto.

Done in two copies of the same text and legal force in the English and Spanish languages in the City of Havana, on this fourteenth day of January, nineteen hundred and twenty-six.

[SEAL] ENOCH H. CROWDER

[SEAL] CARLOS MANUEL DE CÉSPEDES

CONVENTION BETWEEN THE UNITED STATES AND CUBA FOR THE PREVENTION OF SMUGGLING OPERATIONS¹

Signed at Habana, March 4, 1926; ratifications exchanged, June 18, 1926

The United States of America and the Republic of Cuba, being desirous of avoiding any difficulties which might arise between them in connection with the laws in force in the United States of America on the subject of alcoholic beverages, have decided to conclude a convention for that purpose and have appointed as their respective plenipotentiaries:

The President of the United States of America, Mister Enoch H. Crowder, Ambassador Extraordinary and Plenipotentiary of the United States of America in Cuba and

The President of the Republic of Cuba, Mister Carlos Manuel de Céspedes y de Quesada, Secretary of State of the Republic of Cuba, who, having communicated to each other their respective full powers, which were found to be in good and proper form, have agreed to the following articles:

¹ U. S. Treaty Series, No. 738.

ARTICLE I

The high contracting parties declare that it is their firm intention to uphold the principle that three marine miles extending from the coast line outwards and measured from low-water mark constitute the proper limits of territorial waters.

ARTICLE II

The Republic of Cuba agrees:

(1) That it will raise no objection to the boarding of private vessels under the Cuban flag outside the limits of territorial waters by the authorities of the United States, its territories or possessions, in order that inquiries may be addressed to those on board and an examination be made of the ship's papers for the purpose of ascertaining whether the vessel or those on board are endeavoring to import or have imported alcoholic beverages into the United States, its territories or possessions, in violation of the laws there in force. When such inquiries and examination show a reasonable ground for suspicion, a search of the vessel may be instituted.

(2) If there is reasonable cause for belief that the vessel has committed or is committing or attempting to commit an offense against the laws of the United States, its territories or possessions, prohibiting the importation of alcoholic beverages, the vessel may be seized and taken into a port of the United States, its territories or possessions, for adjudication in accordance with such laws.

(3) The rights conferred by this article shall not be exercised at a greater distance from the coast of the United States, its territories or possessions, than can be traversed in one hour by the vessel suspected of endeavoring to commit the offense. In cases, however, in which the liquor is intended to be conveyed to the United States, its territories or possessions, by a vessel other than the one boarded and searched, it shall be the speed of such other vessel and not the speed of the vessel boarded, which shall determine the distance from the coast at which the right under this article can be exercised.

ARTICLE III

No penalty or forfeiture under the laws of the United States shall be applicable or attach to alcoholic liquors or to vessels or persons by reason of the carriage of such liquors, when such liquors are listed as sea stores or cargo destined for a port foreign to the United States, its territories or possessions, on board Cuban vessels voyaging to or from ports of the United States, its territories or possessions, or passing through the territorial waters thereof, and such carriage shall be as now provided by law with respect to the transit of such liquors through the Panamá Canal, provided that such liquors shall be kept under seal continuously while the vessel on which they are carried remains within said territorial waters and that no part of such liquors shall

at any time or place be unladen within the United States, its territories or possessions.

ARTICLE IV

Any claim by a Cuban vessel for compensation on the grounds that it has suffered loss or injury through the improper or unreasonable exercise of the rights conferred by Article II of this convention or on the ground that it has not been given the benefit of Article III shall be referred for the joint consideration of two persons, one of whom shall be nominated by each of the high contracting parties.

Effect shall be given to the recommendations contained in any such joint report. If no joint report can be agreed upon, the claim shall be referred to the Permanent Court of Arbitration at The Hague described in the Convention for the Pacific Settlement of International Disputes, concluded at The Hague, October 18, 1907. The arbitral tribunal shall be constituted in accordance with Article 87 (Chapter IV) and with Article 59 (Chapter III) of the said convention. The proceedings shall be regulated by so much of Chapter IV of the said convention and of Chapter III thereof (special regard being had for Articles 70 and 74, but excepting Articles 53 and 54) as the tribunal may consider to be applicable and to be consistent with the provisions of this agreement.

All sums of money which may be awarded by the tribunal on account of any claim shall be paid within eighteen months after the date of the final award without interest and without deduction, save as hereafter specified.

Each government shall bear its own expense. The expenses of the tribunal shall be defrayed by a ratable deduction of the amount of the sums awarded by it, at a rate of five per centum on such sums, or at such lower rate as may be agreed upon between the two governments; the deficiency, if any, shall be defrayed in equal moieties by the two governments.

ARTICLE V

This convention shall be subject to ratification and shall remain in force for a period of one year from the date of exchange of ratifications.

Three months before the expiration of the said period of one year; either of the high contracting parties may give notice of its desire to propose modifications in the terms of the convention.

If such modifications have not been agreed upon before the expiration of the term of one year mentioned above, the convention shall lapse.

If no notice is given on either side of the desire to propose modifications, the convention shall remain in force for another year, and so on automatically, but subject always in respect of each such period of a year to the right on either side to propose as provided above three months before its expiration modifications in the convention, and to the provision that if such modifications are not agreed upon before the close of the period of one year, the convention shall lapse.

ARTICLE VI

In the event that either of the high contracting parties shall be prevented either by judicial decision or legislative action from giving full effect to the provisions of the present convention the said convention shall automatically lapse, and, on such lapse or whenever this convention shall cease to be in force, each high contracting party shall enjoy all the rights which it would have possessed had this convention not been concluded.

The present convention shall be duly ratified by the high contracting parties in accordance with their respective laws; and the ratifications shall be exchanged at the City of Habana as soon as possible.

In witness whereof the plenipotentiaries above mentioned have signed the two originals of the present convention, and have affixed their respective seals thereto.

Done in two copies of the same text and legal force in the English and Spanish languages in the City of Habana, on this fourth day of March, nineteen hundred and twenty-six.

[SEAL] ENOCH H. CROWDER

[SEAL] CARLOS MANUEL DE CÉSPEDES

[EXCHANGE OF NOTES]

[Translation]

[*The Secretary of State of Cuba to the American Ambassador at Habana*]

No. 185

REPUBLICA DE CUBA
SECRETARIA DE ESTADO
Habana, March 4, 1926

MR. AMBASSADOR:

With reference to the convention signed today between the Republic of Cuba and the United States of America to obviate the occurrence of difficulties between both countries arising out of the application of the laws in force in the United States of America relating to alcoholic beverages, and as supplementary to the said convention and to the negotiations and correspondence which we have had on this subject, I have the honor to advise Your Excellency that the Government of the Republic of Cuba understands that in the event of the adherence of the United States of America to the protocol of December 16, 1920, which created the Permanent Court of International Justice at The Hague, the Government of the United States will not refuse to consider modifying the aforementioned convention, or the conclusion of a separate agreement, in which it shall be stipulated that the claims mentioned in Article IV of the said convention, which may not be settled in the manner indicated in the first paragraph of the said article, shall be submitted to the Permanent Court of International Justice instead of to the Permanent Court of Arbitration.

The Government of the Republic of Cuba likewise understands that each time that the authorities of the United States seize any Cuban vessel in conformity with the stipulations contained in Article II of the convention above referred to, the said authorities of the United States shall be obliged to communicate very promptly a notification of what has occurred to the diplomatic representative of the Republic of Cuba in Washington giving the name of the vessel, the place of the occurrence, the circumstances of the case and the reasons therefor.

I hope to have the pleasure of receiving from Your Excellency in the name and on behalf of the Government of the United States of America confirmation of this understanding.

I avail myself of this opportunity to renew to Your Excellency the assurance of my highest consideration.

CARLOS MANUEL DE CÉSPEDES

To His Excellency

General ENOCH H. CROWDER

Ambassador Extraordinary and

Plenipotentiary of the United States of America

etc. etc. etc.

[*The American Ambassador at Habana to the Secretary of State of Cuba*]

No. 675

EMBASSY OF THE UNITED STATES OF AMERICA

Habana, March 4, 1926

EXCELLENCY:

I have the honor to acknowledge the receipt of your note of today's date, in which you were so good as to inform me in connection with the signing this day of the convention between the United States and Cuba to aid in the prevention of the smuggling of intoxicating liquors into the United States that the Government of Cuba understands: (1) That in the event of the adhesion by the Government of the United States to the protocol of December 16, 1920, under which the Permanent Court of International Justice has been created at The Hague, the Government of the United States will not be averse to considering a modification of the said convention, or the making of a separate agreement, providing that claims mentioned in Article IV of that convention which can not be settled in the way indicated in the first paragraph of that article shall be referred to the Permanent Court of International Justice instead of to the Permanent Court of Arbitration; and (2) that in case Cuban vessels are seized by the authorities of the United States under the provisions of Article II of this convention, a notification thereof shall be promptly transmitted to the diplomatic representative of Cuba at Washington, giving the name of the vessel, the place of seizure and a brief statement of the grounds therefor.

Complying with your request for confirmation of these understandings I

have the honor to state that the Cuban Government's understanding of the attitude of the Government of the United States in this respect is correct, and that in the event of the adhesion by the United States to the protocol of December 16, 1920, under which the Permanent Court of International Justice has been created at The Hague, the Government of the United States will not be averse to considering a modification of the convention this day signed, or the making of a separate agreement, providing for the reference of claims mentioned in Article IV of the convention which can not be settled in the way indicated in the first paragraph of that article, to the Permanent Court of International Justice instead of to the Permanent Court of Arbitration.

I also confirm your understanding regarding the notification that is to be given to the diplomatic representative of the Cuban Government at Washington in case Cuban vessels are seized by the authorities of the United States.

Accept, Excellency, the renewed assurance of my highest consideration.

E. H. CROWDER

His Excellency

CARLOS MANUEL DE CÉSPEDES

Secretary of State, Habana

CONVENTION BETWEEN THE UNITED STATES AND CUBA FOR THE SUPPRESSION
OF SMUGGLING OPERATIONS¹

Signed at Habana, March 11, 1926; ratifications exchanged, June 18, 1926

The United States of America and the Republic of Cuba, being desirous of aiding each other in the suppression of smuggling from the territory of one state to the other, have agreed to enter into the present convention and for this purpose have appointed as their respective plenipotentiaries:

The President of the United States of America, Mr. Enoch H. Crowder, Ambassador Extraordinary and Plenipotentiary of the United States of America in Cuba, and

The President of the Republic of Cuba, Mr. Carlos Manuel de Céspedes y de Quesada, Secretary of State of the Republic of Cuba,

Who, having communicated to each other their respective full powers, found to be in due and proper form, have agreed upon the following articles:

ARTICLE I

The high contracting parties agree to aid each other mutually in the manner provided in this convention in the prevention, discovery and punishment of violations of their respective laws, decrees or regulations with respect to the importation of narcotics, intoxicating liquors and other merchandise and the entry and departure of aliens.

¹ U. S. Treaty Series, No. 739.

ARTICLE II

The high contracting parties agree that clearance of shipments of merchandise by water, air, or land, from any of the ports of either country to a port of entry of the other country, shall be denied when such shipment comprises articles the importation of which is prohibited or restricted in the country to which such shipment is destined, unless in this last case there has been a compliance with the requisites demanded by the laws of both countries.

The high contracting parties likewise bind themselves to prevent by all means possible, in accordance with the laws of their respective countries, the clearance of any vessel or vehicle laden with merchandise or having on board aliens destined to any port or place, when it is evident by reason of the tonnage, size, type of vessel, or vehicle, length of the voyage, perils or conditions of navigation or transportation, that it is impossible for it to transport said merchandise or persons to the place of destination mentioned in the request for clearance, or when the repetition of alleged accidents in prior voyages or the antecedents of or information concerning the vessel or vehicle furnish evidence that said merchandise or any part of the same or any person, whatever the ostensible point of destination thereof might be, is intended to be illegally introduced into the territory of the other high contracting party.

When one of the high contracting parties gives notice to the other that it suspects that a specified vessel in a port of the other high contracting party, although ostensibly destined to a port in a third country, is likely to attempt to introduce unlawfully into its territory merchandise or persons whose entry is prohibited or restricted, the other high contracting party shall require from the master or person in charge of the vessel—in accordance with the laws in force in the respective countries and such additional arrangements as may be agreed upon and incorporated in regulations by the appropriate authorities of the high contracting parties—a bond to produce a duly authenticated landing certificate showing such merchandise or persons actually to have been discharged at the port for which the vessel cleared. If any such vessel fails to produce the certificate in proof of lawful discharge of such merchandise or persons or produces a false certificate or evidence the bond shall be forfeited and thereafter for a period of five years the vessel shall be denied the right to enter or clear from any port of either of the high contracting parties with merchandise or persons of the same nature.

ARTICLE III

The high contracting parties agree to employ all reasonable measures—in accordance with the laws of their respective countries—to prevent the departure of persons destined to the territory of either of them who do not effect such departure through the ports of departure and are not destined to a port of entry in the other country.

Persons who are not nationals of either of the high contracting parties and who, coming from the territory of one of them, have attempted to enter unlawfully into the territory of the other and are returned to the territory of the high contracting party from which they proceeded, shall be returned in accordance with the laws in force in the country from which they are returned and such additional arrangements as may be agreed upon or incorporated in regulations by the appropriate authorities of the high contracting parties in order that such persons may be deported to the country of their origin.

ARTICLE IV

Each of the high contracting parties agrees with the other that property of all kinds in its possession which, having been stolen in the territory of the other and brought into its territory, is seized by its customs authorities, shall, when the owners are nationals of the other country, be returned to such owners, subject to satisfactory proof of such ownership and the absence of any collusion, and subject moreover to payment of the expenses of the seizure and detention and to the abandonment of any claims by the owners against the customs, or the customs officers, warehousemen or agents, for compensation or damages for the seizure, detention, warehousing or keeping of the property.

ARTICLE V

The high contracting parties mutually agree that they will exchange or furnish when requested information concerning:

(a) The transportation of cargoes or the shipment of merchandise between said countries,

(b) The names and activities of the persons or vessels which are known to be or suspected of being engaged in the violation of the laws, decrees and regulations mentioned in Article I of this convention,

(c) Persons leaving their territories who are destined to the territory of the other high contracting party or the activities of any persons in either country, when there are reasonable grounds to believe that said persons are engaged in unlawful migration activities or in conspiracies against the other government or its institutions, when not incompatible with the public interest,

(d) The existence and extent of contagious and infectious diseases of persons, animals, birds, or plants, and the ravages of insect pests and the measures being taken to prevent their spreading, and

(e) The study and use of the most effective scientific and administrative methods for the suppression and eradication of said diseases and insect pests.

ARTICLE VI

The officials of the high contracting parties whose duty it may be to prevent or report the violation of the laws, decrees and regulations mentioned

in Article I of this convention are obliged, as soon as they have knowledge of preparations to smuggle or that smuggling has been effected, to do everything possible to prevent the same through all the means within their power in the first case, and to bring the matter to the attention of the proper authorities of their own country, in either of the two circumstances.

The appropriate authorities of each of the high contracting parties shall notify the appropriate authorities of the other high contracting party of violations of the laws, decrees and regulations mentioned in Article I of this convention which have been communicated to them relative to attempts at smuggling or actual smuggling, and will furnish all information which they may have been able to gather with regard to the facts and circumstances thereof.

Such notification and information may be furnished and received only by appropriate officials who shall be designated by the respective governments.

ARTICLE VII

It is agreed that the customs and other administrative officials of the respective governments of the United States of America and of the Republic of Cuba shall upon request be directed to attend as witnesses before the courts in the other country and to produce such available records and files or certified copies thereof as may be considered essential to the trial of civil or criminal cases arising out of violation of the laws, decrees or regulations mentioned in Article I of this convention and as may be produced compatibly with the public interest. It shall be considered in these cases that they appear as agents of their respective governments, to inform the courts on matters upon which questioned, and when they so appear their character as such agents shall be recognized. Original records or documents produced by said officials shall not be retained by the courts, but legal copies thereof may be taken if necessary.

The cost of transcripts of records, depositions, certificates and letters rogatory in civil or criminal cases, and the cost of first-class transportation both ways, maintenance and other proper expenses involved in the attendance of such witnesses shall be paid by the nation requesting their attendance at the time of their discharge by the court from further attendance at such trial. Letters rogatory and commissions shall be executed with all possible despatch and copies of official records or documents shall be certified promptly by the appropriate officials in accordance with the provisions of the laws of the respective countries.

ARTICLE VIII

This convention shall be ratified, and the ratifications shall be exchanged in the City of Habana as soon as possible. The convention shall come into effect at the expiration of ten days from the date of the exchange of ratifications, and it shall remain in force for one year. If upon the expiration of one

year no notice is given by either party of a desire to terminate the same, it shall continue in force until thirty days after either party shall have given notice to the other of a desire to terminate it.

In witness whereof, the plenipotentiaries above mentioned have signed the two originals of the present convention and have affixed their respective seals thereto.

Done in two copies of the same text and legal force in the English and Spanish languages in the City of Habana, this eleventh day of March in the year one thousand nine hundred and twenty-six.

[SEAL] ENOCH H. CROWDER

[SEAL] CARLOS MANUEL DE CÉSPEDES

CONVENTION RELATIVE TO THE DEVELOPMENT OF HYDRAULIC POWER
AFFECTING MORE THAN ONE STATE, AND PROTOCOL OF SIGNATURE¹

Signed at Geneva, December 9, 1923; registered with the Secretariat of the League of Nations on June 30, 1925, the date of its entry into force²

Austria, Belgium, the British Empire (with New Zealand), Bulgaria, Chile, Denmark, the Free City of Danzig, France, Greece, Hungary, Italy, Lithuania, Poland, Kingdom of the Serbs, Croats and Slovenes, Siam and Uruguay,

Desirous of promoting international agreement for the purpose of facilitating the exploitation and increasing the yield of hydraulic power;

Having accepted the invitation of the League of Nations to take part in the conference which met at Geneva on November 15, 1923;

Wishing to conclude a general convention for the above purpose,

The high contracting parties have appointed as their plenipotentiaries:

The President of the Austrian Republic:

M. Emerich Pflügl, Resident Minister, representative of the Federal Government accredited to the League of Nations, delegate at the Second General Conference on Communications and Transit;

His Majesty the King of the Belgians:

M. Xavier Neujean, Minister of Railways, Mercantile Marine, Posts, Telegraphs and Telephones of Belgium, delegate at the Second General Conference on Communications and Transit;

¹ League of Nations Treaty Series, No. 905 (Vol. XXXVI, p. 77).

² *Deposit of ratification*: British Empire, April 1, 1925; New Zealand (including the mandated territory of Western Samoa), April 1, 1925; Siam, January 9, 1925; Denmark, April 27, 1926.

Adhesion by His Britannic Majesty as from April 28, 1925, for Southern Rhodesia and Newfoundland, and as from September 22, 1925, for the following colonies, protectorates and mandated territories: British Guiana, British Honduras, Brunei, Federated Malay States (Perak, Selangor, Negri Sembilan, Pahang), Gambia, Gold Coast, Hong Kong, Kenya, Malay States (unfederated Johore, Kedah, Perlis, Kelatan, Trengganu), Nigeria, Northern Rhodesia, Nyasaland, Palestine, Sierra Leone, Straits Settlements, Tanganyika Territory.

(League of Nations Treaty Series, Vol. XXXVI, p. 77; League of Nations Official Journal, June, 1926, p. 731.)

His Majesty the King of the United Kingdom of Great Britain and Ireland and of the British Dominions beyond the Seas, Emperor of India:

Sir Hubert Llewellyn Smith, G.C.B., Chief Economic Adviser of the British Government, delegate at the Second General Conference on Communications and Transit;

For the Dominion of New Zealand:

The Honorable Sir James Allen, K.C.B., High Commissioner for New Zealand in the United Kingdom;

His Majesty the King of the Bulgarians:

M. D. Mikoff, Chargé d'Affaires at Berne;

The President of the Republic of Chile:

M. Francisco Rivas Vicuña, Envoy Extraordinary and Minister Plenipotentiary to the Swiss Federal Council, to the President of the Czechoslovak Republic, to the President of the Austrian Federal Republic and to His Serene Highness the Governor of Hungary, delegate at the Second General Conference on Communications and Transit;

His Majesty the King of Denmark:

M. P. A. Holck-Colding, Director of Section at the Ministry of Public Works, member of the Advisory and Technical Committee for Communications and Transit, delegate at the Second General Conference on Communications and Transit;

The President of the Polish Republic (for the Free City of Danzig):

Professor Bohdan Winiarski, vice-chairman of the Advisory and Technical Committee for Communications and Transit, delegate at the Second General Conference on Communications and Transit;

The President of the French Republic:

M. Maurice Sibille, Member of Parliament, member of the Advisory and Technical Committee for Communications and Transit, delegate at the Second General Conference on Communications and Transit;

His Majesty the King of Hellenes:

M. A. Politis, technical representative of the Hellenic Government in Paris, delegate at the Second General Conference on Communications and Transit; and

M. Demetre G. Phocas, captain in the Hellenic navy, delegate at the Second General Conference on Communications and Transit;

His Serene Highness the Governor of Hungary:

M. Emile de Walter, Ministerial Counsellor at the Royal Hungarian Ministry for Foreign Affairs, delegate at the Second General Conference on Communications and Transit;

His Majesty the King of Italy;

M. Paolo Bignami, former Under-Secretary of State, former Member of the Chamber of Deputies, delegate at the Second General Conference on Communications and Transit;

The President of the Republic of Lithuania:

M. C. Dobkevicius, Counsellor at the Lithuanian Legation in Paris, delegate at the Second General Conference on Communications and Transit;

The President of the Polish Republic:

Professor Bohdan Winiarski, vice-chairman of the Advisory and Technical Committee for Communications and Transit, delegate at the Second General Conference on Communications and Transit;

His Majesty the King of the Serbs, Croats, and Slovenes:

M. B. Voukovitch, Director of the State Railways, delegate at the Second General Conference on Communications and Transit;

His Majesty the King of Siam:

M. Phya Sanpakitch Preecha, Envoy Extraordinary and Minister Plenipotentiary to His Majesty the King of Spain and to his Majesty the King of Italy, delegate at the Second General Conference on Communications and Transit;

The President of the Republic of Uruguay:

M. Benjamin Fernandez y Medina, Envoy Extraordinary and Minister Plenipotentiary to His Majesty the King of Spain, chairman of the Advisory and Technical Committee for Communications and Transit;

who, after communicating their full powers, found in good and due form, have agreed as follows:

ARTICLE 1

The present convention in no way affects the right belonging to each state, within the limits of international law, to carry out on its own territory any operations for the development of hydraulic power which it may consider desirable.

ARTICLE 2

Should reasonable development of hydraulic power involve international investigation, the contracting states concerned shall agree to such investigation, which shall be carried out conjointly at the request of any one of them, with a view to arriving at the solution most favorable to their interests as a whole, and to drawing up, if possible, a scheme of development, with due regard for any works already existing, under construction, or projected.

Any contracting state desirous of modifying a programme of development so drawn up shall, if necessary, apply for a fresh investigation, under the conditions laid down in the preceding paragraph.

No state shall be obliged to carry out a programme of development unless it has formally accepted the obligation to do so.

ARTICLE 3

If a contracting state desires to carry out operations for the development of hydraulic power, partly on its own territory and partly on the territory of

another contracting state or involving alterations on the territory of another contracting state, the states concerned shall enter into negotiations with a view to the conclusion of agreements which will allow such operations to be executed.

ARTICLE 4

If a contracting state desires to carry out operations for the development of hydraulic power which might cause serious prejudice to any other contracting state, the states concerned shall enter into negotiations with a view to the conclusion of agreements which will allow such operations to be executed.

ARTICLE 5

The technical methods adopted in the agreements referred to in the foregoing articles shall, within the limits of the national legislation of the various countries, be based exclusively upon considerations which might legitimately be taken into account in analogous cases of development of hydraulic power affecting only one state, without reference to any political frontier.

ARTICLE 6

The agreements contemplated in the foregoing articles may provide, amongst other things, for

- (a) General conditions for the establishment, upkeep and operation of the works;
- (b) Equitable contributions by the states concerned towards the expenses, risks, damage and charges of every kind incurred as a result of the construction and operation of the works, as well as for meeting the cost of upkeep;
- (c) The settlement of questions of financial coöperation;
- (d) The methods for exercising technical control and securing public safety;
- (e) The protection of sites;
- (f) The regulation of the flow of water;
- (g) The protection of the interests of third parties;
- (h) The method of settling disputes regarding the interpretation or application of the agreements.

ARTICLE 7

The establishment and operation of works for the exploitation of hydraulic power shall be subject, in the territory of each state, to the laws and regulations applicable to the establishment and operation of similar works in that state.

ARTICLE 8

So far as regards international waterways which, under the terms of the general Convention on the Régime of Navigable Waterways of Inter-

national Concern,³ are contemplated as subject to the provisions of that convention, all rights and obligations which may be derived from agreements concluded in conformity with the present convention shall be construed subject to all rights and obligations resulting from the general convention and the special instruments which have been or may be concluded, governing such navigable waterways.

ARTICLE 9

This convention does not prescribe the rights and duties of belligerents and neutrals in time of war. The convention shall, however, continue in force in time of war so far as such rights and duties permit.

ARTICLE 10

This convention does not entail in any way the withdrawal of facilities which are greater than those provided for in the statute and which have been granted to international traffic by rail under conditions consistent with its principles. This convention also entails no prohibition of such grant of greater facilities in the future.

ARTICLE 11

The present convention does not in any way affect the rights and obligations of the contracting states arising out of former conventions or treaties on the subject-matter of the present convention, or out of the provisions on the same subject-matter in general treaties, including the Treaties of Versailles, Trianon and other treaties which ended the war of 1914-18.

ARTICLE 12

If a dispute arise between contracting states as to the application or interpretation of the present statute, and if such dispute cannot be settled either directly between the parties or by some other amicable method of procedure, the parties to the dispute may submit it for an advisory opinion to the body established by the League of Nations as the advisory and technical organization of the members of the League in matters of communications and transit, unless they have decided or shall decide by mutual agreement to have recourse to some other advisory, arbitral or judicial procedure.

The provisions of the preceding paragraph shall not be applicable to any state which represents that the development of hydraulic power would be seriously detrimental to its national economy or security.

ARTICLE 13

It is understood that this convention must not be interpreted as regulating in any way rights and obligations *inter se* of territories forming part of or placed under the protection of the same sovereign state, whether or not these territories are individually contracting states.

³ Printed in Supplement to this JOURNAL, Vol. 18, pp. 151, 165.

ARTICLE 14

Nothing in the preceding articles is to be construed as affecting in any way the rights or duties of a contracting state as member of the League of Nations.

ARTICLE 15

The present convention, of which the French and English texts are both authentic, shall bear this day's date, and shall be open for signature until October 31, 1924, by any state represented at the conference of Geneva, by any member of the League of Nations and by any states to which the Council of the League of Nations shall have communicated a copy of the convention for this purpose.

ARTICLE 16

The present convention is subject to ratification. The instruments of ratification shall be deposited with the Secretary-General of the League of Nations, who shall notify their receipt to every state signatory of or acceding to the convention.

ARTICLE 17

On and after November 1, 1924, the present convention may be acceded to by any state represented at the conference of Geneva, by any member of the League of Nations, or by any state to which the Council of the League of Nations shall have communicated a copy of the convention for this purpose.

Accession shall be effected by an instrument communicated to the Secretary-General of the League of Nations to be deposited in the archives of the Secretariat. The Secretary-General shall at once notify such deposit to every state signatory of or acceding to the convention.

ARTICLE 18

The present convention will not come into force until it has been ratified in the name of three states. The date of its coming into force shall be the ninetieth day after the receipt by the Secretary-General of the League of Nations of the third ratification. Thereafter, the present convention will take effect in the case of each party ninety days after the receipt of its ratification or of the notification of its accession.

In compliance with the provisions of Article 18 of the Covenant of the League of Nations, the Secretary-General will register the present convention upon the day of its coming into force.

ARTICLE 19

A special record shall be kept by the Secretary-General of the League of Nations showing, with due regard to the provisions of Article 21, which of the parties have signed, ratified, acceded to or denounced the present convention. This record shall be open to the members of the League at all times;

it shall be published as often as possible, in accordance with the directions of the Council.

ARTICLE 20

Subject to the provisions of Article 11 above, the present convention may be denounced by any party thereto after the expiration of five years from the date when it came into force in respect of that party. Denunciation shall be effected by notification in writing addressed to the Secretary-General of the League of Nations. Copies of such notification shall be transmitted forthwith by him to all the other parties, informing them of the date on which it was received.

A denunciation shall take effect one year after the date on which the notification thereof was received by the Secretary-General and shall operate only in respect of the notifying state.

ARTICLE 21

Any state signing or adhering to the present convention may declare, at the moment either of its signature, ratification or accession, that its acceptance of the present convention does not include any or all of its colonies, overseas possessions, protectorates, or overseas territories, under its sovereignty or authority, and may subsequently accede, in conformity with the provisions of Article 17, on behalf of any such colony, overseas possession, protectorate or territory excluded by such declaration.

Denunciation may also be made separately in respect of any such colony, overseas possession, protectorate or territory, and the provisions of Article 20 shall apply to any such denunciation.

ARTICLE 22

A request for the revision of the present convention may be made at any time by one-third of the contracting states.

In faith whereof the above-named plenipotentiaries have signed the present convention.

Done at Geneva, the ninth day of December, one thousand nine hundred and twenty-three, in a single copy which shall remain deposited in the archives of the Secretariat of the League of Nations.

Austria:
Belgium:
British Empire:
New Zealand:
Bulgaria:
Chile:
Denmark:

EMERICH PFLÜGL.
XAVIER NEUJEAN.
H. LLEWELLYN SMITH.
J. ALLEN.
D. MIKOFF.
FRANCISCO RIVAS VICUÑA
A. HOLCK-COLDING.

Free City of Danzig:

BOHDAN WINIARSKI.

France:

MAURICE SIBILLE.

Subject to the reservation contained in Article 21 of the present convention to the effect that its provisions do not apply to the various protectorates, colonies, possessions or overseas territories under the sovereignty or authority of the French Republic.
(Translation).

Greece:

A. POLITIS.

D. G. PHOCAS.

Hungary:

WALTER

Italy:

PAOLO BIGNAMI.

Lithuania:

DOBKEVICIUS.

Poland:

BOHDAN WINIARSKI.

Kingdom of the Serbs, Croats and Slovenes:

B. VOUKOVITCH.

Siam:

PHYA SANPAKITCH PREECHA.

Uruguay:

B. FERNANDEZ Y MEDINA.

PROTOCOL OF SIGNATURE OF THE CONVENTION RELATING TO THE DEVELOPMENT OF HYDRAULIC POWER AFFECTING MORE THAN ONE STATE

At the moment of signing the convention of today's date relating to the development of hydraulic power affecting more than one state, the undersigned, duly authorized, have agreed, as follows:

The provisions of the convention do not in any way modify the responsibility or obligations imposed on states, as regards injury done by the construction of works for development of hydraulic power, by the rules of international law.

The present protocol will have the same force, effect and duration as the convention of today's date, of which it is to be considered as an integral part.

In faith whereof the above-named plenipotentiaries have signed the present protocol.

Done at Geneva, the ninth day of December, one thousand nine hundred and twenty-three, in a single copy, which will remain deposited in the archives of the Secretariat of the League of Nations; certified copies will be transmitted to all the states represented at the conference.

[Here follow the same signatures as those appearing at the end of the convention]

TREATY OF FRIENDSHIP, COMMERCE AND CONSULAR RIGHTS BETWEEN THE UNITED STATES AND ESTHONIA ¹

Signed at Washington, December 23, 1925; ratifications exchanged, May 22, 1926

The United States of America and the Republic of Esthonia, desirous of strengthening the bond of peace which happily prevails between them, by

¹ U. S. Treaty Series, No. 736.

arrangements designed to promote friendly intercourse between their respective territories through provisions responsive to the spiritual, cultural, economic and commercial aspirations of the peoples thereof, have resolved to conclude a treaty of friendship, commerce and consular rights and for that purpose have appointed as their plenipotentiaries.

The President of the United States of America:

Frank B. Kellogg, Secretary of State of the United States of America; and

The Government of the Republic of Esthonia:

Antonius Piip., Envoy Extraordinary and Minister Plenipotentiary,

Who, having communicated to each other their full powers found to be in due form, have agreed upon the following articles:

ARTICLE I

The nationals of each of the high contracting parties shall be permitted to enter, travel and reside in the territories of the other; to exercise liberty of conscience and freedom of worship; to engage in scientific, religious, philanthropic, manufacturing and commercial work of every kind without interference; to carry on every form of commercial activity which is not forbidden by the local law; to engage in every trade, vocation and profession not reserved exclusively to nationals of the country; to own, erect or lease and occupy appropriate buildings and to lease lands for residential, scientific, religious, philanthropic, manufacturing, commercial and mortuary purposes; to employ agents of their choice, and generally to do anything incidental to or necessary for the enjoyment of any of the foregoing privileges upon the same terms as nationals of the state of residence or as nationals of the nation hereafter to be most favored by it, submitting themselves to all local laws and regulations duly established.

The nationals of either high contracting party within the territories of the other shall not be subjected to the payment of any internal charges or taxes other or higher than those that are exacted of and paid by its nationals.

The nationals of each high contracting party shall enjoy freedom of access to the courts of justice of the other on conforming to the local laws, as well for the prosecution as for the defense of their rights, and in all degrees of jurisdiction established by law.

The nationals of each high contracting party shall receive within the territories of the other, upon submitting to conditions imposed upon its nationals, the most constant protection and security for their persons and property, and shall enjoy in this respect that degree of protection that is required by international law. Their property shall not be taken without due process of law and without payment of just compensation.

Nothing contained in this treaty shall be construed to affect existing statutes of either of the high contracting parties in relation to the immigration of aliens or the right of either of the high contracting parties to enact such statutes.

ARTICLE II

With respect to that form of protection granted by national, state or provincial laws establishing civil liability for injuries or for death, and giving to relatives or heirs or dependents of an injured party a right of action or a pecuniary benefit, such relatives or heirs or dependents of the injured party, himself a national of either of the high contracting parties and within any of the territories of the other, shall regardless of their alienage or residence outside of the territory where the injury occurred, enjoy the same rights and privileges as are or may be granted to nationals, and under like conditions.

ARTICLE III

The dwellings, warehouses, manufactories, shops, and other places of business, and all premises thereto appertaining of the nationals of each of the high contracting parties in the territories of the other, used for any purposes set forth in Article I, shall be respected. It shall not be allowable to make a domiciliary visit to, or search of any such buildings and premises, or there to examine and inspect books, papers or accounts, except under the conditions and in conformity with the forms prescribed by the laws, ordinances and regulations for nationals.

ARTICLE IV

Where, on the death of any person holding real or other immovable property or interests therein within the territories of one high contracting party, such property or interests therein would, by the laws of the country or by a testamentary disposition, descend or pass to a national of the other high contracting party, whether resident or non-resident, were he not disqualified by the laws of the country where such property or interests therein is or are situated, such national shall be allowed a term of three years in which to sell the same, this term to be reasonably prolonged if circumstances render it necessary, and withdraw the proceeds thereof, without restraint or interference, and exempt from any succession, probate or administrative duties or charges other than those which may be imposed in like cases upon the nationals of the country from which such proceeds may be drawn.

Nationals of either high contracting party may have full power to dispose of their personal property of every kind within the territories of the other, by testament, donation or otherwise, and their heirs, legatees and donees, of whatsoever nationality, whether residents or non-resident, shall succeed to such personal property, and may take possession thereof, either by themselves or by others acting for them, and retain or dispose of the same at their pleasure subject to the payment of such duties or charges only as the nationals of the high contracting party within whose territories such property may be or belong shall be liable to pay in like cases.

ARTICLE V

The nationals of each of the high contracting parties in the exercise of the right of freedom of worship, within the territories of the other, as hereinabove provided, may, without annoyance or molestation of any kind by reason of their religious belief or otherwise, conduct services either within their own houses or within any appropriate buildings which they may be at liberty to erect and maintain in convenient situations, provided their teachings or practices are not contrary to public order or public morals; and they may also be permitted to bury their dead according to their religious customs in suitable and convenient places established and maintained for the purpose, subject to the reasonable mortuary and sanitary laws and regulations of the place of burial.

ARTICLE VI

In the event of war between either high contracting party and a third state, such party may draft for compulsory military service nationals of the other having a permanent residence within its territories and who have formally, according to its laws, declared an intention to adopt its nationality by naturalization, unless such individuals depart from the territories of said belligerent party within sixty days after a declaration of war.

ARTICLE VII

Between the territories of the high contracting parties there shall be freedom of commerce and navigation. The nationals of each of the high contracting parties equally with those of the most favored nation, shall have liberty freely to come with their vessels and cargoes to all places, ports and waters of every kind within the territorial limits of the other which are or may be open to foreign commerce and navigation. Nothing in this treaty shall be construed to restrict the right of either high contracting party to impose, on such terms as it may see fit, prohibitions or restrictions of a sanitary character designed to protect human, animal, or plant life, or regulations for the enforcement of police or revenue laws.

Each of the high contracting parties binds itself unconditionally to impose no higher or other duties or conditions and no prohibition on the importation of any article, the growth, produce or manufacture of the territories of the other than are or shall be imposed on the importation of any like article, the growth, produce or manufacture of any other foreign country.

Each of the high contracting parties also binds itself unconditionally to impose no higher or other charges or other restrictions or prohibitions on goods exported to the territories of the other high contracting party than are imposed on goods exported to any other foreign country.

Any advantage of whatsoever kind which either high contracting party may extend to any article, the growth, produce, or manufacture of any

other foreign country shall simultaneously and unconditionally, without request and without compensation, be extended to the like article, the growth, produce or manufacture of the other high contracting party.

All articles which are or may be legally imported from foreign countries into ports of the United States or are or may be legally exported therefrom in vessels of the United States may likewise be imported into those ports or exported therefrom in Esthonian vessels, without being liable to any other or higher duties or charges whatsoever than if such articles were imported or exported in vessels of the United States; and, reciprocally, all articles which are or may be legally imported from foreign countries into the ports of Esthonia or are or may be legally exported therefrom in Esthonian vessels may likewise be imported into these ports or exported therefrom in vessels of the United States without being liable to any other or higher duties or charges whatsoever than if such articles were imported or exported in Esthonian vessels.

With respect to the amount and collection of duties on imports and exports of every kind, each of the two high contracting parties binds itself to give to the nationals, vessels and goods of the other the advantage of every favor, privilege or immunity which it shall have accorded to the nationals, vessels and goods of a third state, whether such favored state shall have been accorded such treatment gratuitously or in return for reciprocal compensatory treatment. Every such favor, privilege or immunity which shall hereafter be granted the nationals, vessels or goods of a third state shall simultaneously and unconditionally, without request and without compensation, be extended to the other high contracting party, for the benefit of itself, its nationals and vessels.

The stipulations of this article do not extend to the treatment which is accorded by the United States to the commerce of Cuba under the provisions of the commercial convention concluded by the United States and Cuba on December 11, 1902, or any other commercial convention which hereafter may be concluded by the United States with Cuba, or to the commerce of the United States with any of its dependencies and the Panama Canal Zone under existing or future laws, or to the treatment which Esthonia accords or may hereafter accord to the commerce of Finland, Latvia, Lithuania, Russia, and / or to the states in custom or economic union with Esthonia, or to all of those states, so long as such special treatment is not accorded to any other state.

ARTICLE VIII

The nationals and merchandise of each high contracting party within the territories of the other shall receive the same treatment as nationals and merchandise of the country with regard to internal taxes, transit duties, charges in respect to warehousing and other facilities and the amount of drawbacks and bounties.

ARTICLE IX

No duties of tonnage, harbor, pilotage, lighthouse, quarantine, or other similar or corresponding duties or charges of whatever denomination, levied in the name or for the profit of the government, public functionaries, private individuals, corporations or establishments of any kind shall be imposed in the ports of the territories of either country upon the vessels of the other, which shall not equally, under the same conditions, be imposed on national vessels. Such equality of treatment shall apply reciprocally to the vessels of the two countries respectively from whatever place they may arrive and whatever may be their place of destination.

ARTICLE X

Merchant vessels and other privately owned vessels under the flag of either of the high contracting parties, and carrying the papers required by its national laws in proof of nationality shall, both within the territorial waters of the other high contracting party and on the high seas, be deemed to be the vessels of the party whose flag is flown.

ARTICLE XI

Merchant vessels and other privately owned vessels under the flag of either of the high contracting parties shall be permitted to discharge portions of cargoes at any port open to foreign commerce in the territories of the other high contracting party, and to proceed with the remaining portions of such cargoes to any other ports of the same territories open to foreign commerce, without paying other or higher tonnage dues or port charges in such cases than would be paid by national vessels in like circumstances, and they shall be permitted to load in like manner at different ports in the same voyage outward, provided, however, that the coasting trade of the high contracting parties is exempt from the provisions of this article and from the other provisions of this treaty, and is to be regulated according to the laws of each high contracting party in relation thereto. It is agreed, however, that the nationals of either high contracting party shall within the territories of the other enjoy with respect to the coasting trade the most favored nation treatment.

ARTICLE XII

Limited liability and other corporations and associations, whether or not for pecuniary profit, which have been or may hereafter be organized in accordance with and under the laws, national, state or provincial, of either high contracting party and maintain a central office within the territories thereof, shall have their juridical status recognized by the other high contracting party provided that they pursue no aims within its territories contrary to its laws. They shall enjoy free access to the courts of law and equity

on conforming to the laws regulating the matter, as well for the prosecution as for the defense of rights in all the degrees of jurisdiction established by law.

The right of such corporations and associations of either high contracting party so recognized by the other to establish themselves within its territories, establish branch offices and fulfill their functions therein shall depend upon, and be governed solely by, the consent of such party as expressed in its national, state, or provincial laws.

ARTICLE XIII

The nationals of either high contracting party shall enjoy within the territories of the other, reciprocally and upon compliance with the conditions there imposed, such rights and privileges as have been or may hereafter be accorded the nationals of any other state with respect to the organization of and participation in limited liability and other corporations and associations, for pecuniary profit or otherwise, including the rights of promotion, incorporation, purchase and ownership and sale of shares and the holding of executive or official positions therein. In the exercise of the foregoing rights and with respect to the regulation or procedure concerning the organization or conduct of such corporations or associations, such nationals shall be subjected to no condition less favorable than those which have been or may hereafter be imposed upon the nationals of the most favored nation. The rights of any of such corporations or associations as may be organized or controlled or participated in by the nationals of either high contracting party within the territories of the other to exercise any of their functions therein, shall be governed by the laws and regulations, national, state or provincial, which are in force or may hereafter be established within the territories of the party wherein they propose to engage in business. The foregoing stipulations do not apply to the organization of and participation in political associations.

The nationals of either high contracting party shall, moreover, enjoy within the territories of the other, reciprocally and upon compliance with the conditions there imposed, such rights and privileges as have been or may hereafter be accorded the nationals of any other state with respect to the mining of coal, phosphate, oil, oil shale, gas, and sodium on the public domain of the other.

ARTICLE XIV

Commercial travelers representing manufacturers, merchants and traders domiciled in the territories of either high contracting party shall on their entry into and sojourn in the territories of the other party and on their departure therefrom be accorded the most favored nation treatment in respect of customs and other privileges and of all charges and taxes of whatever denomination applicable to them or to their samples.

ARTICLE XV

There shall be complete freedom of transit through the territories including territorial waters of each high contracting party on the routes most convenient for international transit, by rail, navigable waterway, and canal, other than the Panama Canal and waterways and canals which constitute international boundaries, to persons and goods coming from or going through the territories of the other high contracting party, except such persons as may be forbidden admission into its territories or goods of which the importation may be prohibited by law. Persons and goods in transit shall not be subjected to any transit duty, or to any unnecessary delays or restrictions, and shall be given national treatment as regards charges, facilities, and all other matters.

Goods in transit must be entered at the proper custom house, but they shall be exempt from all customs or other similar duties.

All charges imposed on transport in transit shall be reasonable, having regard to the conditions of the traffic.

ARTICLE XVI

Each of the high contracting parties agrees to receive from the other, consular officers in those of its ports, places and cities, where it may be convenient and which are open to consular representatives of any foreign country.

Consular officers of each of the high contracting parties shall after entering upon their duties, enjoy reciprocally in the territories of the other all the rights, privileges, exemptions and immunities which are enjoyed by officers of the same grade of the most favored nation. As official agents, such officers shall be entitled to the high consideration of all officials, national or local, with whom they have official intercourse in the state which receives them.

The governments of each of the high contracting parties shall furnish free of charge the necessary exequatur of such consular officers of the other as present a regular commission signed by the chief executive of the appointing state and under its great seal; and they shall issue to a subordinate or substitute consular officer duly appointed by an accepted superior consular officer with the approbation of his government, or by any other competent officer of that government, such documents as according to the laws of the respective countries shall be requisite for the exercise by the appointee of the consular function. On the exhibition of an exequatur, or other document issued in lieu thereof to such subordinate, such consular officer shall be permitted to enter upon his duties and to enjoy the rights, privileges and immunities granted by this treaty.

ARTICLE XVII

Consular officers, nationals of the state by which they are appointed, shall be exempt from arrest except when charged with the commission of

offenses locally designated as crimes other than misdemeanors and subjecting the individual guilty thereof to punishment. Such officers shall be exempt from military billetings, and from service of any military or naval, administrative or police character whatsoever.

In criminal cases the attendance at the trial by a consular officer as a witness may be demanded by the prosecution or defence. The demand shall be made with all possible regard for the consular dignity and the duties of the officer; and there shall be compliance on the part of the consular officer.

Consular officers shall be subject to the jurisdiction of the courts in the state which receives them in civil cases, subject to the proviso, however, that when the officer is a national of the state which appoints him and is engaged in no private occupation for gain, his testimony shall be taken orally or in writing at his residence or office and with due regard for his convenience. The officer should, however, voluntarily give his testimony at the trial whenever it is possible to do so without serious interference with his official duties.

ARTICLE XVIII

Consular officers, including employees in a consulate, nationals of the state by which they are appointed other than those engaged in private occupations for gain within the state where they exercise their functions shall be exempt from all taxes, national, state, provincial and municipal, levied upon their persons or upon their property, except taxes levied on account of the possession or ownership of immovable property situated in, or income derived from property of any kind situated or belonging within the territories of the state within which they exercise their functions. All consular officers and employees, nationals of the state appointing them shall be exempt from the payment of taxes on the salary, fees or wages received by them in compensation for their consular services.

Lands and buildings situated in the territories of either high contracting party, of which the other high contracting party is the legal or equitable owner and which are used exclusively for governmental purposes by that owner, shall be exempt from taxation of every kind, national, state, provincial and municipal, other than assessments levied for services or local public improvements by which the premises are benefited.

ARTICLE XIX

Consular officers may place over the outer door of their respective offices the arms of their state with an appropriate inscription designating the official office. Such officers may also hoist the flag of their country on their offices including those situated in the capitals of the two countries. They may likewise hoist such flag over any boat or vessel employed in the exercise of the consular function.

The Consular offices and archives shall at all times be inviolable. They shall under no circumstances be subjected to invasion by any authorities of

any character within the country where such offices are located. Nor shall the authorities under any pretext make any examination or seizure of papers or other property deposited within a consular office. Consular offices shall not be used as places of asylum. No consular officers shall be required to produce official archives in court or testify as to their contents.

Upon the death, incapacity, or absence of a consular officer having no subordinate consular officer at his post, secretaries or chancellors, whose official character may have previously been made known to the government of the state where the consular function was exercised, may temporarily exercise the consular function of the deceased or incapacitated or absent consular officer; and while so acting shall enjoy all the rights, prerogatives and immunities granted to the incumbent.

ARTICLE XX

Consular officers, nationals of the state by which they are appointed, may, within their respective consular districts, address the authorities, national, state, provincial or municipal, for the purpose of protecting their countrymen in the enjoyment of their rights accruing by treaty or otherwise. Complaint may be made for the infraction of those rights. Failure upon the part of the proper authorities to grant redress or to accord protection may justify interposition through the diplomatic channel, and in the absence of a diplomatic representative, a consul general or the consular officer stationed at the capital may apply directly to the government of the country.

ARTICLE XXI

Consular officers may, in pursuance of the laws of their own country, take, at any appropriate place within their respective districts, the depositions of any occupants of vessels of their own country, or of any national of, or of any person having permanent residence within the territories of, their own country. Such officers may draw up, attest, certify and authenticate unilateral acts, deeds, and testamentary dispositions of their countrymen, and also contracts to which a countryman is a party. They may draw up, attest, certify and authenticate written instruments of any kind purporting to express or embody the conveyance or encumbrance of property of any kind within the territory of the state by which such officers are appointed, and unilateral acts, deeds, testamentary dispositions and contracts relating to property situated, or business to be transacted within, the territories of the state by which they are appointed, embracing unilateral acts, deeds, testamentary dispositions or agreements executed solely by nationals of the state within which such officers exercise their functions.

Instruments and documents thus executed and copies and translations thereof, when duly authenticated under his official seal by the consular officer shall be received as evidence in the territories of the contracting parties as original documents or authenticated copies, as the case may be, and

shall have the same force and effect as if drawn by and executed before a notary or other public officer duly authorized in the country by which the consular officer was appointed; provided always that such documents shall have been drawn and executed in conformity to the laws and regulations of the country where they are designed to take effect.

ARTICLE XXII

A consular officer shall have exclusive jurisdiction over controversies arising out of the internal order of private vessels of his country, and shall alone exercise jurisdiction in cases, wherever arising, between officers and crews, pertaining to the enforcement of discipline on board, provided the vessel and the persons charged with wrongdoing shall have entered a port within his consular district. Such an officer shall also have jurisdiction over issues concerning the adjustment of wages and the execution of contracts relating thereto provided the local laws so permit.

When an act committed on board of a private vessel under the flag of the state by which the consular officer has been appointed and within the territorial waters of the state to which he has been appointed constitutes a crime according to the laws of that state, subjecting the person guilty thereof to punishment as a criminal, the consular officer shall not exercise jurisdiction except in so far as he is permitted to do so by the local law.

A consular officer may freely invoke the assistance of the local police authorities in any matter pertaining to the maintenance of internal order on board of a vessel under the flag of his country within the territorial waters of the state to which he is appointed, and upon such a request the requisite assistance shall be given.

A consular officer may appear with the officers and crews of vessels under the flag of his country before the judicial authorities of the state to which he is appointed to render assistance as an interpreter or agent.

ARTICLE XXIII

In case of the death of a national of either high contracting party in the territory of the other without having in the territory of his decease any known heirs or testamentary executors by him appointed, the competent local authorities shall at once inform the nearest consular officer of the state of which the deceased was a national of the fact of his death, in order that necessary information may be forwarded to the parties interested.

In case of the death of a national of either of the high contracting parties without will or testament, in the territory of the other high contracting party, the consular officer of the state of which the deceased was a national and within whose district the deceased made his home at the time of death, shall, so far as the laws of the country permit and pending the appointment of an administrator and until letters of administration have been granted, be deemed qualified to take charge of the property left by the decedent for the

preservation and protection of the same. Such consular officer shall have the right to be appointed as administrator within the discretion of a tribunal or other agency controlling the administration of estates provided the laws of the place where the estate is administered so permit.

Whenever a consular officer accepts the office of administrator of the estate of a deceased countryman, he subjects himself as such to the jurisdiction of the tribunal or other agency making the appointment for all necessary purposes to the same extent as a national of the country where he was appointed.

ARTICLE XXIV

A consular officer of either high contracting party may in behalf of his non-resident countrymen receipt for their distributive shares derived from estates in process of probate or accruing under the provisions of so-called workmen's compensation laws or other like statutes provided he remit any funds so received through the appropriate agencies of his government to the proper distributees, and provided further that he furnish to the authority or agency making distribution through him reasonable evidence of such remission.

ARTICLE XXV

A consular officer of either high contracting party shall have the right to inspect within the ports of the other high contracting party within his consular district, the private vessels of any flag destined or about to clear for ports of the country appointing him in order to observe the sanitary conditions and measures taken on board such vessels, and to be enabled thereby to execute intelligently bills of health and other documents required by the laws of his country, and to inform his government concerning the extent to which its sanitary regulations have been observed at ports of departure by vessels destined to its ports, with a view to facilitating entry of such vessels therein.

ARTICLE XXVI

Each of the high contracting parties agrees to permit the entry free of all duty of all furniture, equipment and supplies intended for official use in the consular offices of the other, and to extend to such consular officers of the other and their families and suites as are its nationals, the privilege of entry free of duty of their baggage and all other personal property, accompanying the officer to his post; provided, nevertheless, that no article, the importation of which is prohibited by the law of either of the high contracting parties, may be brought into its territories. Personal property imported by consular officers, their families or suites during the incumbency of the officers in office shall be accorded the customs privileges and exemptions accorded to consular officers of the most favored nation.

It is understood, however, that the privileges of this article shall not be extended to consular officers who are engaged in any private occupation for

gain in the countries to which they are accredited, save with respect to governmental supplies.

ARTICLE XXVII

All proceedings relative to the salvage of vessels of either high contracting party wrecked upon the coast of the other shall be directed by the consular officer of the country to which the vessel belongs and within whose district the wreck may have occurred. Pending the arrival of such officer, who shall be immediately informed of the occurrence, the local authorities shall take all necessary measures for the protection of persons and the preservation of wrecked property. The local authorities shall not otherwise interfere than for the maintenance of order, the protection of the interests of the salvors, if these do not belong to the crews that have been wrecked and to carry into effect the arrangements made for the entry and exportation of the merchandise saved. It is understood that such merchandise is not to be subjected to any custom house charges, unless it be intended for consumption in the country where the wreck may have taken place.

The intervention of the local authorities in these different cases shall occasion no expense of any kind, except such as may be caused by the operations of salvage and the preservation of the goods saved, together with such as would be incurred under similar circumstances by vessels of the nation.

ARTICLE XXVIII

Subject to any limitation or exception hereinabove set forth, or hereafter to be agreed upon, the territories of the high contracting parties to which the provisions of this treaty extend shall be understood to comprise all areas of land, water, and air over which the parties respectively claim and exercise dominion as sovereign thereof, except the Panama Canal Zone.

ARTICLE XXIX

Except as provided in the third paragraph of this article the present treaty shall remain in full force for the term of ten years from the date of the exchange of ratifications, on which date it shall begin to take effect in all of its provisions.

If within one year before the expiration of the aforesaid period of ten years neither high contracting party notifies to the other an intention of modifying by change or omission, any of the provisions of any of the articles in this treaty or of terminating it upon the expiration of the aforesaid period, the treaty shall remain in full force and effect after the aforesaid period and until one year from such a time as either of the high contracting parties shall have notified to the other an intention of modifying or terminating the treaty.

The fifth paragraph of Article VII and Articles IX and XI shall remain in force for twelve months from the date of exchange of ratification, and if not then terminated on ninety days' previous notice shall remain in force

until either of the high contracting parties shall enact legislation inconsistent therewith when the same shall automatically lapse at the end of sixty days from such enactment, and on such lapse each high contracting party shall enjoy all the rights which it would have possessed had such paragraphs or articles not been embraced in the treaty.

ARTICLE XXX

The present treaty shall be ratified, and the ratifications thereof shall be exchanged at Washington or Tallinn as soon as possible.

In witness whereof the respective plenipotentiaries have signed the same and have affixed their seals thereto.

Done in duplicate, at Washington, this 23rd day of December, 1925.

FRANK B. KELLOGG

[SEAL]

A. PIIP

[SEAL]

PROTOCOL ACCOMPANYING TREATY OF FRIENDSHIP, COMMERCE AND CONSULAR RIGHTS

At the moment of signing the treaty of friendship, commerce and consular rights between the United States of America and the Republic of Esthonia, the undersigned plenipotentiaries duly authorized by their respective governments have agreed as follows:

1. Exemptions from requirements of giving security or making deposits for costs in judicial proceedings (*cautio judicatum solvi*) and the benefit of free judicial aid are not embraced within the provisions of paragraph 3 of Article 1 of the treaty, but in respect of these matters nationals of the United States in Esthonia and nationals of Esthonia in the United States shall be subject to the municipal laws applicable to aliens in general. It is, however, understood that inasmuch as in the United States privileges of this character are regulated largely by the laws of the several States, nationals of the United States, domiciled in states which accord such exemptions and benefits to nationals of Esthonia freely or on the basis of reciprocity shall be accorded the exemptions and benefits authorized by Esthonian law.

2. If either high contracting party shall deem necessary the presentation of an authentic document establishing the identity and authority of commercial travelers representing manufacturers, merchants or traders domiciled in the territories of the other party in order that such commercial traveler may enjoy in its territories the privileges accorded under Article XIV of this treaty, the high contracting parties will agree by exchange of notes on the form of such document and the authorities or persons by whom it shall be issued.

3. The provisions of Article XV do not prevent the high contracting parties from levying on traffic in transit dues intended solely to defray expenses of supervision and administration entailed by such transit, the rate of which shall correspond as nearly as possible with the expenses which such

dues are intended to cover and shall not be higher than the rates charged on other traffic of the same class on the same routes.

4. Wherever the term "consular officer" is used in this treaty it shall be understood to mean Consuls General, Consuls, Vice Consuls and Consular Agents to whom an exequatur or other document of recognition has been issued pursuant to the provisions of paragraph 3 of Article XVI.

5. In addition to consular officers, attachés, chancellors and secretaries, the number of employees to whom the privileges authorized by Article XVIII shall be accorded shall not exceed five at any one post.

In faith whereof the undersigned plenipotentiaries have signed the present protocol and affixed thereto their respective seals.

Done in duplicate at Washington the 23rd day of December, 1925.

FRANK B. KELLOGG

[SEAL]

A. PIIP

[SEAL]

CONVENTION BETWEEN THE UNITED STATES AND GREAT BRITAIN CONCERNING
RIGHTS IN THE CAMEROONS ¹

Signed at London, February 10, 1925; ratifications exchanged, July 8, 1926

Whereas His Britannic Majesty has accepted a mandate for the administration of part of the former German protectorate of the Cameroons, the terms of which have been defined by the Council of the League of Nations as follows:

ARTICLE 1

The territory for which a mandate is conferred upon His Britannic Majesty comprises that part of the Cameroons which lies to the west of the line laid down in the declaration signed on the 10th July, 1919, of which a copy is annexed hereto.

This line may, however, be slightly modified by mutual agreement between His Britannic Majesty's Government and the Government of the French Republic where an examination of the localities shows that it is undesirable, either in the interests of the inhabitants or by reason of any inaccuracies in the map, Moisel 1:300,000, annexed to the declaration, to adhere strictly to the line laid down therein.

The delimitation on the spot of this line shall be carried out in accordance with the provisions of the said declaration.

The final report of the mixed commission shall give the exact description of the boundary line as traced on the spot; maps signed by the commissioners shall be annexed to the report. This report, with its annexes, shall be drawn up in triplicate; one of these shall be deposited in the archives of the League of Nations, one shall be kept by His Britannic Majesty's Government, and one by the Government of the French Republic.

ARTICLE 2

The mandatory shall be responsible for the peace, order and good government of the territory, and for the promotion to the utmost of the material and moral well-being and the social progress of its inhabitants.

ARTICLE 3

The mandatory shall not establish in the territory any military or naval bases, nor erect any fortifications, nor organise any native military force except for local police purposes and for the defence of the territory.

¹ U. S. Treaty Series, No. 743.

ARTICLE 4

The mandatory:

1. Shall provide for the eventual emancipation of all slaves, and for as speedy an elimination of domestic and other slavery as social conditions will allow;
2. Shall suppress all forms of slave trade;
3. Shall prohibit all forms of forced or compulsory labour, except for essential public works and services, and then only in return for adequate remuneration;
4. Shall protect the natives from abuse and measures of fraud and force by the careful supervision of labour contracts and the recruiting of labour;
5. Shall exercise a strict control over the traffic in arms and ammunition and the sale of spirituous liquors.

ARTICLE 5

In the framing of laws relating to the holding or transfer of land, the mandatory shall take into consideration native laws and customs, and shall respect the rights and safeguard the interests of the native population.

No native land may be transferred, except between natives, without the previous consent of the public authorities, and no real rights over native land in favour of non-natives may be created, except with the same consent.

The mandatory shall promulgate strict regulations against usury.

ARTICLE 6

The mandatory shall secure to all nationals of states members of the League of Nations the same rights as are enjoyed in the territory by his own nationals in respect of entry into and residence in the territory, the protection afforded to their person and property, and acquisition of property, movable and immovable, and the exercise of their profession or trade, subject only to the requirements of public order, and on condition of compliance with the local law.

Further, the mandatory shall ensure to all nationals of states members of the League of Nations, on the same footing as to his own nationals, freedom of transit and navigation, and complete economic, commercial and industrial equality; except that the mandatory shall be free to organise essential public works and services on such terms and conditions as he thinks just.

Concessions for the development of the natural resources of the territory shall be granted by the mandatory without distinction on grounds of nationality between the nationals of all states members of the League of Nations, but on such conditions as will maintain intact the authority of the local Government.

Concessions having the character of a general monopoly shall not be granted. This provision does not affect the right of the mandatory to create monopolies of a purely fiscal character in the interest of the territory under mandate and in order to provide the territory with fiscal resources which seem best suited to the local requirements; or, in certain cases, to carry out the development of natural resources, either directly by the state or by a controlled agency, provided that there shall result therefrom no monopoly of the natural resources for the benefit of the mandatory or his nationals, directly or indirectly, nor any preferential advantage which shall be inconsistent with the economic, commercial and industrial equality hereinbefore guaranteed.

The rights conferred by this article extend equally to companies and associations organised in accordance with the law of any of the members of the League of Nations, subject only to the requirements of public order, and on condition of compliance with the local law.

ARTICLE 7

The mandatory shall ensure in the territory complete freedom of conscience and the free exercise of all forms of worship which are consonant with public order and morality; missionaries who are nationals of states members of the League of Nations shall be free to

enter the territory and to travel and reside therein, to acquire and possess property, to erect religious buildings and to open schools throughout the territory; it being understood, however, that the mandatory shall have the right to exercise such control as may be necessary for the maintenance of public order and good government, and to take all measures required for such control.

ARTICLE 8

The mandatory shall apply to the territory any general international conventions applicable to his contiguous territory.

ARTICLE 9

The mandatory shall have full powers of administration and legislation in the area, subject to the mandate. This area shall be administered in accordance with the laws of the mandatory as an integral part of his territory and subject to the above provisions.

The mandatory shall therefore be at liberty to apply his laws to the territory under the mandate, subject to the modifications required by local conditions, and to constitute the territory into a customs, fiscal or administrative union or federation with the adjacent territories under his sovereignty or control, provided always that the measures adopted to that end do not infringe the provisions of this mandate.

ARTICLE 10

The mandatory shall make to the Council of the League of Nations an annual report, to the satisfaction of the Council, containing full information concerning the measures taken to apply the provisions of this mandate.

ARTICLE 11

The consent of the Council of the League of Nations is required for any modification of the terms of this mandate.

ARTICLE 12

The mandatory agrees that, if any dispute whatever should arise between the mandatory and another member of the League of Nations relating to the interpretation or the application of the provisions of the mandate, such dispute, if it cannot be settled by negotiation, shall be submitted to the Permanent Court of International Justice provided for by Article 14 of the Covenant of the League of Nations.

And whereas the Government of His Britannic Majesty and the Government of the United States of America are desirous of reaching a definite understanding as to the rights of their respective governments and of their nationals in the said territory:

The President of the United States of America and His Britannic Majesty have decided to conclude a convention to this effect, and have named as their plenipotentiaries:

The President of the United States of America:

His Excellency the Honourable Frank B. Kellogg, Ambassador Extraordinary and Plenipotentiary of the United States at London:

His Majesty the King of the United Kingdom of Great Britain and Ireland and of the British Dominions beyond the Seas, Emperor of India:

The Right Honourable Joseph Austen Chamberlain, M. P., His Majesty's Principal Secretary of State for Foreign Affairs:

who, after having communicated to each other their respective full powers, found in good and due form, have agreed as follows:

ARTICLE 1

Subject to the provisions of the present convention, the United States consents to the administration by His Britannic Majesty, pursuant to the aforesaid mandate, of the former German territory described in Article 1 of the mandate, hereinafter called the mandated territory.

ARTICLE 2

The United States and its nationals shall have and enjoy all the rights and benefits secured under the terms of Articles 2, 3, 4, 5, 6, 7, 8 and 9 of the mandate to members of the League of Nations and their nationals, notwithstanding the fact that the United States is not a member of the League of Nations.

ARTICLE 3

Vested United States property rights in the mandated territory shall be respected and in no way impaired.

ARTICLE 4

A duplicate of the annual report to be made by the mandatory under Article 10 of the mandate shall be furnished to the United States.

ARTICLE 5

Nothing contained in the present convention shall be affected by any modification which may be made in the terms of the mandate as recited above, unless such modification shall have been assented to by the United States.

ARTICLE 6

The extradition treaties and conventions in force between the United States and the United Kingdom shall apply to the mandated territory.

ARTICLE 7

The present convention shall be ratified in accordance with the respective constitutional methods of the high contracting parties. The ratifications shall be exchanged at London as soon as practicable. It shall take effect on the date of the exchange of ratifications.

In witness whereof, the undersigned have signed the present convention, and have thereunto affixed their seals.

Done in duplicate at London, this 10th day of February, 1925.

[SEAL] FRANK B. KELLOGG

[SEAL] AUSTEN CHAMBERLAIN

CONVENTION BETWEEN THE UNITED STATES AND GREAT BRITAIN CONCERNING
RIGHTS IN EAST AFRICA¹

Signed at London, February 10, 1925; ratifications exchanged, July 8, 1926

Whereas His Britannic Majesty has accepted a mandate for the adminis-

¹ U. S. Treaty Series, No. 744.

tration of part of the former German colony of East Africa, the terms of which have been defined by the Council of the League of Nations as follows:

ARTICLE 1

The territory over which a mandate is conferred upon His Britannic Majesty (hereinafter called the mandatory) comprises that part of the territory of the former colony of German East Africa situated to the east of the following line:—

From the point where the frontier between the Uganda Protectorate and German East Africa cuts the River Mavumba, a straight line in a south-easterly direction to point 1640, about 15 kilom. south-south-west of Mount Gabiro;

Thence a straight line in a southerly direction to the north shore of Lake Mohazi, where it terminates at the confluence of a river situated about 2½ kilom. west of the confluence of the River Msilala;

If the trace of the railway on the west of the River Kagera between Bugufi and Uganda approaches within 16 kilom. of the line defined above, the boundary will be carried to the west, following a minimum distance of 16 kilom. from the trace, without, however, passing to the west of the straight line joining the terminal point on Lake Mohazi and the top of Mount Kivisa, point 2100, situated on the Uganda-German East Africa frontier about 5 kilom. south-west of the point where the River Mavumba cuts this frontier;

Thence a line south-eastwards to meet the southern shore of Lake Mohazi;

Thence the watershed between the Taruka and the Mkarange and continuing southwards to the north-eastern end of Lake Mugesera;

Thence the median line of this lake and continuing southwards across Lake Ssake to meet the Kagera;

Thence the course of the Kagera downstream to meet the western boundary of Bugufi;

Thence this boundary to its junction with the eastern boundary of Urundi;

Thence the eastern and southern boundary of Urundi to Lake Tanganyika.

The line described above is shown on the attached British 1: 1,000,000 map. G. S. G. S. 2932, sheet Ruanda and Urundi. The boundaries of Bugufi and Urundi are drawn as shown in the *Deutscher Kolonialatlas* (Dietrich-Reimer), scale 1: 1,000,000, dated 1906.

ARTICLE 2

Boundary commissioners shall be appointed by His Britannic Majesty and His Majesty the King of the Belgians to trace on the spot the line described in Article 1 above.

In case any dispute should arise in connection with the work of these commissioners, the question shall be referred to the Council of the League of Nations, whose decision shall be final.

The final report by the boundary commission shall give the precise description of this boundary as actually demarcated on the ground; the necessary maps shall be annexed thereto and signed by the commissioners. The report, with its annexes, shall be made in triplicate; one copy shall be deposited in the archives of the League of Nations, one shall be kept by the Government of His Majesty the King of the Belgians and one by the Government of His Britannic Majesty.

ARTICLE 3

The mandatory shall be responsible for the peace, order and good government of the territory, and shall undertake to promote to the utmost the material and moral well-being and the social progress of its inhabitants. The mandatory shall have full powers of legislation and administration.

ARTICLE 4

The mandatory shall not establish any military or naval bases, nor erect any fortifications, nor organise any native military force in the territory except for local police purposes and for the defense of the territory.

ARTICLE 5

The mandatory:

1. Shall provide for the eventual emancipation of all slaves and for as speedy an elimination of domestic and other slavery as social conditions will allow;
2. Shall suppress all forms of slave trade;
3. Shall prohibit all forms of forced or compulsory labour, except for essential public works and services, and then only in return for adequate remuneration;
4. Shall protect the natives from abuse and measures of fraud and force by the careful supervision of labour contracts and the recruiting of labour;
5. Shall exercise a strict control over the traffic in arms and ammunition and the sale of spirituous liquors.

ARTICLE 6

In the framing of laws relating to the holding or transfer of land, the mandatory shall take into consideration native laws and customs, and shall respect the rights and safeguard the interests of the native population.

No native land may be transferred, except between natives, without the previous consent of the public authorities, and no real rights over native land in favour of non-natives may be created, except with the same consent.

The mandatory will promulgate strict regulations against usury.

ARTICLE 7

The mandatory shall secure to all nationals of states members of the League of Nations the same rights as are enjoyed in the territory by his own nationals in respect of entry into and residence in the territory, the protection afforded to their person and property, the acquisition of property, movable and immovable, and the exercise of their profession or trade, subject only to the requirements of public order, and on condition of compliance with the local law.

Further, the mandatory shall ensure to all nationals of states members of the League of Nations, on the same footing as to his own nationals, freedom of transit and navigation, and complete economic, commercial and industrial equality; provided that the mandatory shall be free to organise essential public works and services on such terms and conditions as he thinks just.

Concessions for the development of the natural resources of the territory shall be granted by the mandatory without distinction on grounds of nationality between the nationals of all states members of the League of Nations, but on such conditions as will maintain intact the authority of the local government.

Concessions having the character of a general monopoly shall not be granted. This provision does not affect the right of the mandatory to create monopolies of a purely fiscal character in the interest of the territory under mandate, and in order to provide the territory with fiscal resources which seem best suited to the local requirements; or, in certain cases, to carry out the development of natural resources either directly by the state or by a controlled agency, provided that there shall result therefrom no monopoly of the natural resources for the benefit of the mandatory or his nationals, directly or indirectly, nor any preferential advantage which shall be inconsistent with the economic, commercial and industrial equality hereinbefore guaranteed.

The rights conferred by this article extend equally to companies and associations organised in accordance with the law of any of the members of the League of Nations, subject only to the requirements of public order, and on condition of compliance with the local law.

ARTICLE 8

The mandatory shall ensure in the territory complete freedom of conscience and the free exercise of all forms of worship which are consonant with public order and morality; mis-

sionaries who are nationals of states members of the League of Nations shall be free to enter the territory and to travel and reside therein, to acquire and possess property, to erect religious buildings and to open schools throughout the territory; it being understood, however, that the mandatory shall have the right to exercise such control as may be necessary for the maintenance of public order and good government, and to take all measures required for such control.

ARTICLE 9

The mandatory shall apply to the territory any general international conventions already existing, or which may be concluded hereafter, with the approval of the League of Nations, respecting the slave trade, the traffic in arms and ammunition, the liquor traffic and the traffic in drugs, or relating to commercial equality, freedom of transit and navigation, aerial navigation, railways, postal, telegraphic and wireless communication and industrial, literary and artistic property.

The mandatory shall co-operate in the execution of any common policy adopted by the League of Nations for preventing and combating disease, including diseases of plants and animals.

ARTICLE 10

The mandatory shall be authorised to constitute the territory into a customs, fiscal and administrative union or federation with the adjacent territories under his own sovereignty or control, provided always that the measures adopted to that end do not infringe the provisions of this mandate.

ARTICLE 11

The mandatory shall make to the Council of the League of Nations an annual report to the satisfaction of the Council, containing full information concerning the measures taken to apply the provisions of this mandate.

A copy of all laws and regulations made in the course of the year and affecting property, commerce, navigation of the moral and material well-being of the natives shall be annexed to this report.

ARTICLE 12

The consent of the Council of the League of Nations is required for any modification of the terms of this mandate.

ARTICLE 13

The mandatory agrees that if any dispute whatever should arise between the mandatory and another member of the League of Nations relating to the interpretation or the application of the provisions of the mandate, such dispute, if it cannot be settled by negotiation, shall be submitted to the Permanent Court of International Justice provided for by Article 14 of the Covenant of the League of Nations.

States members of the League of Nations may likewise bring any claims on behalf of their nationals for infractions of their rights under this mandate before the said court for decision.

And whereas at its meeting of the 31st August, 1923, the Council of the League of Nations approved certain modifications of Article 1 of the aforesaid mandate, which now reads as follows:

ARTICLE 1

The territory over which a mandate is conferred upon His Britannic Majesty (hereinafter called the mandatory) comprises that part of the territory of the former colony of German East Africa, situated to the east of the following line:—

The mid-stream of the Kagera River from the Uganda boundary to the point where the Kagera River meets the western boundary of Bugufi;

Thence this boundary to its junction with the eastern boundary of Urundi;

Thence the eastern and southern boundary of Urundi to Lake Tanganyika.

And whereas the Government of His Britannic Majesty and the Government of the United States of America are desirous of reaching a definite understanding as to the rights of their respective governments and of their nationals in the said territory:

The President of the United States of America and His Britannic Majesty have decided to conclude a convention to this effect, and have named as their plenipotentiaries:

The President of the United States of America:

His Excellency the Honourable Frank B. Kellogg, Ambassador Extraordinary and Plenipotentiary of the United States at London:

His Majesty the King of the United Kingdom of Great Britain and Ireland and of the British Dominions beyond the Seas, Emperor of India:

The Right Honourable Joseph Austen Chamberlain, M. P., His Majesty's Principal Secretary of State for Foreign Affairs:

who, after having communicated to each other their respective full powers, found in good and due form, have agreed as follows:

ARTICLE 1

Subject to the provisions of the present convention, the United States consents to the administration by His Britannic Majesty, pursuant to the aforesaid mandate, of the former German territory described in Article 1 of the mandate, hereinafter called the mandated territory.

ARTICLE 2

The United States and its nationals shall have and enjoy all the rights and benefits secured under the terms of Articles 3, 4, 5, 6, 7, 8, 9 and 10 of the mandate to members of the League of Nations and their nationals, notwithstanding the fact that the United States is not a member of the League of Nations.

ARTICLE 3

Vested United States property rights in the mandated territory shall be respected and in no way impaired.

ARTICLE 4

A duplicate of the annual report to be made by the Mandatory under Article 11 of the mandate shall be furnished to the United States.

ARTICLE 5

Nothing contained in the present convention shall be affected by any modification which may be made in the terms of the mandate as recited above, unless such modification shall have been assented to by the United States.

ARTICLE 6

The extradition treaties and conventions in force between the United States and the United Kingdom shall apply to the mandated territory.

ARTICLE 7

The present convention shall be ratified in accordance with the respective constitutional methods of the high contracting parties. The ratifications shall be exchanged at London as soon as practicable. It shall take effect on the date of the exchange of ratifications.

In witness whereof, the undersigned have signed the present convention, and have thereunto affixed their seals.

Done in duplicate at London, this 10th day of February, 1925.

[SEAL] FRANK B. KELLOGG

[SEAL] AUSTEN CHAMBERLAIN

CONVENTION BETWEEN THE UNITED STATES AND GREAT BRITAIN CONCERNING
RIGHTS IN TOGOLAND¹

Signed at London, February 10, 1925; ratifications exchanged, July 8, 1926

Whereas His Britannic Majesty has accepted a mandate for the administration of part of the former German protectorate of Togoland, the terms of which have been defined by the Council of the League of Nations as follows:

ARTICLE 1

The territory for which a mandate is conferred upon His Britannic Majesty comprises that part of Togoland which lies to the west of the line laid down in the declaration signed on the 10th July, 1919, of which a copy is annexed hereto.

This line may, however, be slightly modified by mutual agreement between His Britannic Majesty's Government and the Government of the French Republic where an examination of the localities shows that it is undesirable, either in the interests of the inhabitants or by reason of any inaccuracies in the map Sprigade 1:200,000 annexed to the declaration, to adhere strictly to the line laid down therein.

The delimitation on the spot of this line shall be carried out in accordance with the provisions of the said declaration.

The final report of the mixed commission shall give the exact description of the boundary line as traced on the spot; maps signed by the commissioners shall be annexed to the report. This report, with its annexes, shall be drawn up in triplicate; one of these shall be deposited in the archives of the League of Nations, one shall be kept by His Britannic Majesty's Government, and one by the Government of the French Republic.

ARTICLE 2

The mandatory shall be responsible for the peace, order and good government of the territory, and for the promotion to the utmost of the material and moral well-being and the social progress of its inhabitants.

ARTICLE 3

The mandatory shall not establish in the territory any military or naval bases, nor erect

¹ U. S. Treaty Series, No. 745.

any fortifications, nor organise any native military force except for local police purposes and for the defence of the territory.

ARTICLE 4

The mandatory:

1. Shall provide for the eventual emancipation of all slaves, and for as speedy an elimination of domestic and other slavery as social conditions will allow;
2. Shall suppress all forms of slave trade;
3. Shall prohibit all forms of forced or compulsory labour, except for essential public works and services, and then only in return for adequate remuneration;
4. Shall protect the natives from abuse and measures of fraud and force by the careful supervision of labour contracts and the recruiting of labour;
5. Shall exercise a strict control over the traffic in arms and ammunition and the sale of spirituous liquors.

ARTICLE 5

In the framing of laws relating to the holding or transfer of land, the mandatory shall take into consideration native laws and customs, and shall respect the rights and safeguard the interests of the native population.

No native land may be transferred, except between natives, without the previous consent of the public authorities, and no real rights over native land in favour of non-natives may be created, except with the same consent.

The mandatory shall promulgate strict regulations against usury.

ARTICLE 6

The mandatory shall secure to all nationals of states members of the League of Nations the same rights as are enjoyed in the territory by his own nationals in respect of entry into and residence in the territory, the protection afforded to their person and property and acquisition of property, movable and immovable, and the exercise of their profession or trade, subject only to the requirements of public order, and on condition of compliance with the local law.

Further, the mandatory shall ensure to all nationals of states members of the League of Nations, on the same footing as to his own nationals, freedom of transit and navigation, and complete economic, commercial and industrial equality, except that the mandatory shall be free to organise essential public works and services on such terms and conditions as he thinks just.

Concessions for the development of the natural resources of the territory shall be granted by the mandatory without distinction on grounds of nationality between the nationals of all states members of the League of Nations, but on such conditions as will maintain intact the authority of the local government.

Concessions having the character of a general monopoly shall not be granted. This provision does not affect the right of the mandatory to create monopolies of a purely fiscal character in the interest of the territory under mandate and in order to provide the territory with fiscal resources which seem best suited to the local requirements; or, in certain cases, to carry out the development of natural resources, either directly by the state or by a controlled agency, provided that there shall result therefrom no monopoly of the natural resources for the benefit of the mandatory or his nationals, directly or indirectly, nor any preferential advantage which shall be inconsistent with the economic, commercial and industrial equality hereinbefore guaranteed.

The rights conferred by this article extend equally to companies and associations organised in accordance with the law of any of the members of the League of Nations, subject only to the requirements of public order, and on condition of compliance with the local law.

ARTICLE 7

The mandatory shall ensure in the territory complete freedom of conscience and the free exercise of all forms of worship which are consonant with public order and morality; missionaries who are nationals of states members of the League of Nations shall be free to enter the territory and to travel and reside therein, to acquire and possess property, to erect religious buildings and to open schools throughout the territory; it being understood, however, that the mandatory shall have the right to exercise such control as may be necessary for the maintenance of public order and good government, and to take all measures required for such control.

ARTICLE 8

The mandatory shall apply to the territory any general international conventions applicable to his contiguous territory.

ARTICLE 9

The mandatory shall have full powers of administration and legislation in the area, subject to the mandate. This area shall be administered in accordance with the laws of the mandatory as an integral part of his territory and subject to the above provisions.

The mandatory shall therefore be at liberty to apply his laws to the territory subject to the mandate with such modifications as may be required by local conditions, and to constitute the territory into a customs, fiscal or administrative union or federation with the adjacent territories under his sovereignty or control, provided always that the measures adopted to that end do not infringe the provisions of this mandate.

ARTICLE 10

The mandatory shall make to the Council of the League of Nations an annual report, to the satisfaction of the Council, containing full information concerning the measures taken to apply the provisions of this mandate.

ARTICLE 11

The consent of the Council of the League of Nations is required for any modification of the terms of this mandate.

ARTICLE 12

The mandatory agrees that, if any dispute whatever should arise between the mandatory and another member of the League of Nations relating to the interpretation or the application of the provisions of the mandate, such dispute, if it cannot be settled by negotiation, shall be submitted to the Permanent Court of International Justice provided for by Article 14 of the Covenant of the League of Nations.

And whereas the Government of His Britannic Majesty and the Government of the United States of America are desirous of reaching a definite understanding as to the rights of their respective governments, and of their nationals in the said territory:

The President of the United States of America and His Britannic Majesty have decided to conclude a convention to this effect, and have named as their plenipotentiaries:

The President of the United States of America:

His Excellency the Honourable Frank B. Kellogg, Ambassador Extraordinary and Plenipotentiary of the United States at London:

His Majesty the King of the United Kingdom of Great Britain and Ireland and of the British Dominions beyond the Seas, Emperor of India:

The Right Honourable Joseph Austen Chamberlain, M. P., His Majesty's Principal Secretary of State for Foreign Affairs:

who, after having communicated to each other their respective full powers, found in good and due form, have agreed as follows:

ARTICLE 1

Subject to the provisions of the present convention, the United States consents to the administration by His Britannic Majesty, pursuant to the aforesaid mandate, of the former German territory described in Article 1 of the mandate, hereinafter called the mandated territory.

ARTICLE 2

The United States and its nationals shall have and enjoy all the rights and benefits secured under the terms of Articles 2, 3, 4, 5, 6, 7, 8 and 9 of the mandate to members of the League of Nations and their nationals, notwithstanding the fact that the United States is not a member of the League of Nations.

ARTICLE 3

Vested United States property rights in the mandated territory shall be respected and in no way impaired.

ARTICLE 4

A duplicate of the annual report to be made by the mandatory under Article 10 of the mandate shall be furnished to the United States.

ARTICLE 5

Nothing contained in the present convention shall be affected by any modification which may be made in the terms of the mandate as recited above, unless such modification shall have been assented to by the United States.

ARTICLE 6

The extradition treaties and conventions in force between the United States and the United Kingdom shall apply to the mandated territory.

ARTICLE 7

The present convention shall be ratified in accordance with the respective constitutional methods of the high contracting parties. The ratifications shall be exchanged at London as soon as practicable. It shall take effect on the date of the exchange of ratifications.

In witness whereof, the undersigned have signed the present convention, and have thereunto affixed their seals.

Done in duplicate at London, this 10th day of February, 1925.

[SEAL] FRANK B. KELLOGG

[SEAL] AUSTEN CHAMBERLAIN

INTERNATIONAL CONVENTION FOR THE SUPPRESSION OF THE CIRCULATION OF
AND TRAFFIC IN OBSCENE PUBLICATIONS.¹

*Signed at Geneva, September 12, 1923; registered with the Secretariat of the League of Nations, August 7, 1924, on which date the convention came into force*²

Albania, Germany, Austria, Belgium, Brazil, the British Empire (with the Union of South Africa, New Zealand, India and the Irish Free State), Bulgaria, China, Colombia, Costa Rica, Cuba, Denmark, Spain, Finland, France, Greece, Haiti, Honduras, Hungary, Italy, Japan, Latvia, Lithuania, Luxemburg, Monaco, Panama, the Netherlands, Persia, Poland (with Danzig), Portugal, Roumania, Salvador, Kingdom of the Serbs, Croats and Slovenes, Siam, Switzerland, Czechoslovakia, Turkey and Uruguay:

Being equally desirous of making as effective as possible the means of suppressing the circulation of and traffic in obscene publications,

Having accepted the invitation of the Government of the French Republic to take part in a conference, under the auspices of the League of Nations, convened in Geneva on August 31st, 1923, for the examination of the draft convention drawn up in 1910,³ the examination of the observations presented by the various states and the elaboration and signature of the final text of a convention,

Have nominated as their plenipotentiaries for this purpose,

The President of the Supreme Council of Albania:

M. B. Blinishti, Director of the Albanian Secretariat accredited to the League of Nations.

¹ League of Nations Treaty Series, No. 685 (Vol. XXVII, p. 215).

² *Deposit of ratifications*: Bulgaria, July 1, 1924; Italy, July 8, 1924; Siam, July 28, 1924; Albania, Oct. 13, 1924; Spain, Dec. 19, 1924; Austria, Jan. 12, 1925; Germany, May 11, 1925; Monaco, May 11, 1925; Finland, June 29, 1925; Latvia, Oct. 7, 1925; Great Britain and Northern Ireland, New Zealand (including the mandated territory of Western Samoa), Union of South Africa (including the mandated territory of Southwest Africa), India, Dec. 11, 1925 [in accordance with the letter to which the instrument of ratification by His Britannic Majesty was annexed: "... the ratification does not apply to the Dominion of Canada or the Commonwealth of Australia, which have not signed the convention, and that the Irish Free State, which has signed the convention, is, as you will observe, expressly excluded in the instrument of ratification. Further, the ratification does not cover the colonies, overseas possessions, protectorates and territories under His Britannic Majesty's sovereignty or authority which were excluded from Sir Archibald Bodkin's signature. It follows therefore that this ratification is in respect of Great Britain and Northern Ireland, the Dominion of New Zealand (including the mandated territory of Western Samoa), the Union of South Africa (including the mandated territory of Southwest Africa), and India]; Switzerland, Jan. 20, 1926; China, Feb. 24, 1926; Free City of Danzig, Mar. 31, 1926; Roumania, June 7, 1926; Belgium, July 31, 1926.

Adhesions: Canada, May 23, 1924; Egypt, Oct. 29, 1924; Peru (*ad referendum*), Sept. 15, 1924; Newfoundland, Southern Rhodesia, Dec. 31, 1925; San Marino, April 21, 1926.

(League of Nations Treaty Series, Vol. XXVII, p. 215, Vol. XXXI, p. 261, Vol. XXXV, p. 315, Vol. XXXIX, p. 190; League of Nations Official Journal, Nov. 1925, p. 1569; Dec. 1925, p. 1725; March, 1926, p. 371; May, 1926, p. 647; and June, 1926, p. 731; Annex to the Supplementary Report on the work of the Council and the Secretariat to the Seventh Assembly of the League, A. 6 (a). 1926. Annex.)

³ Printed in Supplement to this JOURNAL, Vol. 5, p. 167.

The President of the German Reich:

M. Gottfried Aschmann, Counsellor of Legation, in charge of the German Consulate at Geneva.

The President of the Austrian Republic:

M. Emeric Pflügl, Resident Minister, representative of the Federal Government accredited to the League of Nations.

His Majesty the King of the Belgians:

M. Maurice Dullaert, delegate at the International Conference for the Suppression of the Circulation of and Traffic in Obscene Publications.

The President of the Republic of the United States of Brazil:

Dr. Afranio de Mello Franco, President of the Brazilian delegation at the Fourth Assembly of the League of Nations.

His Majesty the King of the United Kingdom of Great Britain and Ireland, and of the British Dominions beyond the Seas; Emperor of India:

Sir Archibald Bodkin, Director of Public Prosecutions; delegate at the International Conference for the Suppression of the Circulation of and Traffic in Obscene Publications;

Mr. S. W. Harris, C.B., C.V.O., Technical Adviser of the British delegation at the said conference; and
for the Union of South Africa:

The Right Hon. Lord Parmoor, representative of the British Empire on the Council of the League of Nations;
for the Dominion of New Zealand:

The Hon. Sir James Allen, K.C.B., High Commissioner for New Zealand in the United Kingdom;
for India:

Sir Prabhashankar D. Pattani, K.C.I.E.;
for the Irish Free State:

Mr. Michael MacWhite, representative of the Free State accredited to the League of Nations.

His Majesty the King of the Bulgarians:

M. Ch. Kalfoff, Minister for Foreign Affairs, first delegate of Bulgaria at the Fourth Assembly of the League of Nations.

The President of the Chinese Republic:

Mr. Tcheng Loh, Envoy Extraordinary and Minister Plenipotentiary to the President of the French Republic; delegate at the International Conference for the Suppression of the Circulation of and Traffic in Obscene Publications.

The President of the Republic of Colombia:

M. Francisco José Urrutia, Envoy Extraordinary and Minister Plenipotentiary to the Swiss Federal Council; delegate at the International Conference for the Suppression of the Circulation of and Traffic in Obscene Publications.

The President of the Republic of Costa Rica:

M. Manuel M. de Peralta, Envoy Extraordinary and Minister Plenipotentiary to the President of the French Republic; delegate at the International Conference for the Suppression of the Circulation of and Traffic in Obscene Publications.

The President of the Republic of Cuba:

M. Cosme de la Torriente y Peraza, Senator; president of the Cuban delegation at the Fourth Assembly of the League of Nations; delegate at the International Conference for the Suppression of the Circulation of and Traffic in Obscene Publications.

His Majesty the King of Denmark:

M. A. Oldenburg, Envoy Extraordinary and Minister Plenipotentiary to the Swiss Federal Council; representative of Denmark accredited to the League of Nations; delegate at the International Conference for the Suppression of the Circulation of and Traffic in Obscene Publications.

His Majesty the King of Spain:

M. E. de Palacios, Envoy Extraordinary and Minister Plenipotentiary to the Swiss Federal Council; delegate at the International Conference for the Suppression of the Circulation of and Traffic in Obscene Publications.

The President of the Republic of Finland:

M. Urho Toivola, secretary at the Finnish Legation in Paris.

The President of the French Republic:

M. Gaston Deschamps, Deputy; president of the International Conference for the Suppression of the Circulation of and Traffic in Obscene Publications.

M. J. Hennequin, Honorary Director at the Ministry for Home Affairs; substitute delegate at the said conference.

His Majesty the King of the Hellenes:

M. N. Politis, former Minister for Foreign Affairs; delegate at the International Conference for the Suppression of the Circulation of and Traffic in Obscene Publications.

M. D. E. Castorkis, former Director of Criminal Affairs at the Ministry of Justice; substitute delegate at the said conference.

The President of the Republic of Haiti:

M. Bonamy, Envoy Extraordinary and Minister Plenipotentiary to the President of the French Republic; delegate at the International Conference for the Suppression of the Circulation of and Traffic in Obscene Publications.

The President of the Republic of Honduras:

M. Carlos Gutierrez, Chargé d'Affaires in Paris; delegate at the Fourth Assembly of the League of Nations.

His Serene Highness the Governor of Hungary:

M. Zoltán Baranyai, head of the Royal Hungarian Secretariat accredited to the League of Nations; delegate at the International Conference for the Suppression of the Circulation of and Traffic in Obscene Publications.

His Majesty the King of Italy:

M. Stefano Cavazzoni, Deputy; delegate at the International Conference for the Suppression of the Circulation of and Traffic in Obscene Publications.

His Majesty the Emperor of Japan:

Mr. Y. Sugimura, assistant head of the Japanese League of Nations Office in Paris.

The President of the Republic of Latvia:

M. Julijs Feldmans, head of the League of Nations Section of the Ministry for Foreign Affairs; delegate at the International Conference for the Suppression of the Circulation of and Traffic in Obscene Publications.

The President of the Republic of Lithuania:

M. Ignace Jonynas, Director of the Ministry for Foreign Affairs; delegate at the International Conference for the Suppression of the Circulation of and Traffic in Obscene Publications.

Her Royal Highness the Grand Duchess of Luxemburg:

M. Charles Vermaire, Consul of the Grand-Duchy at Geneva; delegate at the International Conference for the Suppression of the Circulation of and Traffic in Obscene Publications.

His Serene Highness the Prince of Monaco:

M. Rodolphe Ellès-Privat, Vice-Consul of the Principality at Geneva; delegate at the International Conference for the Suppression of the Circulation of and Traffic in Obscene Publications.

The President of the Republic of Panamá:

M. R. A. Amador, Chargé d'Affaires in Paris; delegate at the Fourth Assembly of the League of Nations.

Her Majesty the Queen of the Netherlands:

M. A. de Graaf, president of the Netherlands Committee for the Suppression of the White Slave Traffic; delegate at the International Conference for the Suppression of the Circulation of and Traffic in Obscene Publications.

His Imperial Majesty the Shah of Persia:

His Highness Prince Mirza Riza Kahn Arfa-ed-Dovleh, representative of the Imperial Government accredited to the League of Nations; delegate at the International Conference for the Suppression of the Circulation of and Traffic in Obscene Publications.

The President of the Polish Republic:

M. F. Sokal, Inspector-General of Labor; delegate at the International

Conference for the Suppression of the Circulation of and Traffic in
Obscene Publications; and
for the Free City of Danzig:

M. J. Modzelewski, Envoy Extraordinary and Minister Plenipotentiary
to the Swiss Federal Council.

The President of the Portuguese Republic.

Dr. Augusto C. d'Almeida Vasconcellos Correa, Minister Plenipoten-
tiary; delegate at the International Conference for the Suppression
of the Circulation of and Traffic in Obscene Publications.

His Majesty the King of Roumania.

M. N. P. Comnène, Envoy Extraordinary and Minister Plenipotentiary
to the Swiss Federal Council.

The President of the Republic of Salvador:

M. J. G. Guerrero, Envoy Extraordinary and Minister Plenipotentiary
to the President of the French Republic and to His Majesty the
King of Italy; delegate at the Fourth Assembly of the League of
Nations.

His Majesty the King of the Serbs, Croats and Slovenes:

Dr. Milutin Jovanovitch, Envoy Extraordinary and Minister Plenipo-
tentiary to the Swiss Federal Council; delegate at the International
Conference for the Suppression of the Circulation of and Traffic in
Obscene Publications.

His Majesty the King of Siam:

His Serene Highness Prince Damras Damrong; delegate at the Interna-
tional Conference for the Suppression of the Circulation of and Traffic
in Obscene Publications.

The Swiss Federal Council:

M. Ernest Béguin, Deputy to the States Council; delegate at the In-
ternational Conference for the Suppression of the Circulation of and
Traffic in Obscene Publications.

The President of the Czechoslovak Republic:

Dr. Robert Flieder, Envoy Extraordinary and Minister Plenipotentiary
to the Swiss Federal Council; delegate at the International Conference
for the Suppression of the Circulation of and Traffic in Obscene Pub-
lications.

The President of the Turkish Republic:

Ruchdy Bey, Chargé d'Affaires at Berne.

The President of the Republic of Uruguay:

M. Benjamin Fernandez y Medina, Envoy Extraordinary and Minister
Plenipotentiary to His Majesty the King of Spain; delegate at the
International Conference for the Suppression of the Circulation of
and Traffic in Obscene Publications.

Who, having communicated their full powers, found in good and due
form,

And having taken cognizance of the Final Act of this conference and of the agreement of May 4th, 1910,

Have agreed upon the following provisions:

ARTICLE 1

The high contracting parties agree to take all measures to discover, prosecute and punish any person engaged in committing any of the following offences, and accordingly agree that:—

It shall be a punishable offence:

- (1) For purposes of or by way of trade or for distribution or public exhibition to make or produce or have in possession obscene writings, drawings, prints, paintings, printed matter, pictures, posters, emblems, photographs, cinematograph films or any other obscene objects;
- (2) For the purposes above mentioned, to import, convey or export or cause to be imported, conveyed or exported any of the said obscene matters or things, or in any manner whatsoever to put them into circulation;
- (3) To carry on or take part in a business, whether public or private, concerned with any of the said obscene matters or things, or to deal in the said matters or things in any manner whatsoever, or to distribute them or to exhibit them publicly or to make a business of lending them;
- (4) To advertise or make known by any means whatsoever, in view of assisting in the said punishable circulation or traffic, that a person is engaged in any of the above punishable acts, or to advertise or to make known how or from whom the said obscene matters or things can be procured either directly or indirectly.

ARTICLE 2

Persons who have committed an offence falling under Article 1 shall be amenable to the courts of the contracting party in whose territories the offence, or any of the constitutive elements of the offence, was committed. They shall also be amenable, when the laws of the country shall permit it, to the courts of the contracting party whose nationals they are, if they are found in its territories, even if the constitutive elements of the offence were committed outside such territories.

Each contracting party shall, however, have the right to apply the maxim *non bis in idem* in accordance with the rules laid down in its legislation.

ARTICLE 3

The transmission of rogatory commissions relating to offences falling under the present convention shall be effected either:

- (1) By direct communication between the judicial authorities; or
- (2) Through the diplomatic or the consular representative of the country making the request in the country to which the request is made;

this representative shall send the rogatory commission direct to the competent judicial authority or to the authority appointed by the government of the country to which the request is made, and shall receive direct from such authority the papers showing the execution of the rogatory commission.

In each of the above cases a copy of the rogatory commission shall always be sent to the supreme authority of the country to which application is made.

(3) Or through diplomatic channels.

Each contracting party shall notify to each of the other contracting parties the method or methods of transmission mentioned above which it will recognize for rogatory commissions of such party.

Any difficulties which may arise in connection with transmission by methods (1) and (2) of the present article shall be settled through diplomatic channels.

Unless otherwise agreed, the rogatory commission shall be drawn up in the language of the authority to which request is made, or in a language agreed upon by the two countries concerned, or shall be accompanied by a translation in one of these two languages certified by a diplomatic or consular agent of the country making the request or certified on his oath by a translator of the country to which request is made.

Execution of rogatory commissions shall not be subject to payment of taxes or expenses of any nature whatsoever.

Nothing in this article shall be construed as an undertaking on the part of the contracting parties to adopt in their courts of law any form or methods of proof contrary to their laws.

ARTICLE 4

Those of the contracting parties whose legislation is not at present adequate to give effect to the present convention undertake to take, or to propose to their respective legislatures, the measures necessary for this purpose.

ARTICLE 5

The contracting parties whose legislation is not at present sufficient for the purpose agree to make provision for the searching of any premises where there is reason to believe that the obscene matters or things mentioned in Article 1 or any thereof are being made or deposited for any of the purposes specified in the said article, or in violation of its provisions, and for their seizure, detention and destruction.

ARTICLE 6

The contracting parties agree that, in case of any violation of the provisions of Article 1 on the territory of one of the contracting parties where it appears that the matter or thing in respect of which the violation of such article has occurred was produced in or imported from the territory of any

other of the contracting parties, the authority designated in pursuance of the agreement of May 4th, 1910, of such contracting party shall immediately render to the corresponding authority of the other contracting party, from whose country such matter or thing is believed to have come or in which it is believed to have been produced, full information so as to enable such authority to adopt such measures as shall appear to be suitable.

ARTICLE 7

The present convention, of which the French and English texts are authoritative, shall bear this day's date, and shall be open for signature until March 31st, 1924, by any state represented at the conference, by any member of the League of Nations, and by any state to which the Council of the League of Nations shall have communicated a copy of the convention for this purpose.

ARTICLE 8

The present convention is subject to ratification. The instruments of ratification shall be deposited with the Secretary-General of the League of Nations, who shall notify the receipt of them to members of the League who are signatories of the convention and to other signatory states.

The Secretary-General of the League of Nations shall immediately communicate a certified copy of each of the instruments deposited, with reference to this convention, to the Government of the French Republic.

In compliance with the provisions of Article 18 of the Covenant of the League of Nations, the Secretary-General will register the present convention upon the day of its coming into force.

ARTICLE 9

After March 31, 1924, the present convention may be adhered to by any state represented at the conference which has not signed the convention, by any member of the League of Nations, or by any state to which the Council of the League of Nations shall have communicated a copy of the convention for this purpose.

Adhesion shall be effected by an instrument communicated to the Secretary-General of the League of Nations to be deposited in the archives of the Secretariat. The Secretary-General shall at once notify such deposit to all members of the League of Nations signatories of the convention and to other signatory states.

ARTICLE 10

Ratification of or adhesion to the present convention shall *ipso facto*, and without special notification, involve concomitant and full acceptance of the agreement of May 4th, 1910, which shall come into force on the same date as the convention itself in the whole of the territory of the ratifying or adhering member of the League or state.

Article 4 of the above-mentioned agreement of May 4th, 1910, shall not, however, be invalidated by the preceding provision, but shall remain applicable should any state prefer to adhere to that agreement only.

ARTICLE 11

The present convention shall come into force on the thirtieth day after the deposit of two ratifications with the Secretary-General of the League of Nations.

ARTICLE 12

The present convention may be denounced by an instrument in writing addressed to the Secretary-General of the League of Nations. The denunciation shall become effective one year after the date of the receipt of the instrument of denunciation by the Secretary-General, and shall operate only in respect of the member of the League of Nations or state which makes it.

The Secretary-General of the League of Nations shall notify the receipt of any such denunciation to all members of the League of Nations signatories of or adherents to the convention and to other signatory or adherent states.

Denunciation of the present convention shall not, *ipso facto*, involve the concomitant denunciation of the agreement of May 4, 1910, unless this is expressly stated in the instrument of notification.

ARTICLE 13

Any member of the League of Nations or state signing or adhering to the present convention may declare that its signature or adhesion does not include any or all of its colonies, overseas possessions, protectorates or territories under its sovereignty or authority, and may subsequently adhere separately on behalf of any such colony, overseas possession, protectorate or territory so excluded in its declaration.

Denunciation may also be made separately in respect of any such colony, overseas possession, protectorate or territory under its sovereignty or authority, and the provisions of Article 12 shall apply to any such denunciation.

ARTICLE 14

A special record shall be kept by the Secretary-General of the League of Nations, showing which of the parties have signed, ratified, adhered to or denounced the present convention. This record shall be open at all times to any of the members of the League of Nations or any state which has signed or adhered to the convention. It shall be published as often as possible.

ARTICLE 15

Disputes between the parties relating to the interpretation or application of this convention shall, if they cannot be settled by direct negotiation, be referred for decision to the Permanent Court of International Justice. In case either or both of the parties to such a dispute should not be parties to

the protocol of signature of the Permanent Court of International Justice, the dispute shall be referred, at the choice of the parties, either to the Permanent Court of International Justice or to arbitration.

ARTICLE 16

Upon a request for a revision of the present convention by five of the signatory or adherent parties to the convention, the Council of the League of Nations shall call a conference for that purpose. In any event, the Council will consider the desirability of calling a conference at the end of each period of five years.

In faith whereof the above-named plenipotentiaries have agreed to the present convention.

Done at Geneva the twelfth day of September, one thousand nine hundred and twenty-three, in two originals of which one shall remain deposited in the archives of the League of Nations and the other shall remain deposited in the archives of the Government of the French Republic.

Albania:

B. BLINISHTI.

Germany:

Subject to ratification.

GOTTFRIED ASCHMANN.

Austria:

E. PFLÜGL (*ad referendum*).

Belgium:

MAURICE DULLAERT.

Brazil:

AFRANIO DE MELLO FRANCO.

British Empire:

I declare that my signature does not include any of the colonies, overseas possessions, protectorates or territories under His Britannic Majesty's sovereignty or authority.—A. H. B.

A. H. BODKIN.

S. W. HARRIS.

Union of South Africa:

PARMOOR.*

New Zealand:

My signature includes the mandated territory of Western Samoa.—J. A.

J. ALLEN.

India:

PRABHASHANKAR D. PATTANI.

Irish Free State:

MICHAEL MACWHITE.

Bulgaria:

CH. KALFOFF.

China:

TCHENG LOH.

Colombia:

Subject to the subsequent approval of Parliament. (Translation.)

FRANCISCO JOSÉ URRUTIA.

Costa Rica:

MANUEL M. DE PERALTA (*ad referendum*).

*Lord Parmoor's signature includes the Territory under His Britannic Majesty's mandate of South-West Africa.

Cuba:

COSME DE LA TORRIENTE.

Denmark:

In signing the convention drawn up by the International Conference on Obscene Publications, I, the undersigned delegate of the Danish Government, make, with regard to Article 4 (see also Article 1) the following declaration: "The acts mentioned in Article 1 are punishable under the rules of Danish law only if they fall within the provisions of Article 184 of the Danish Penal Code, which inflicts penalties upon any person publishing obscene writings, or placing on sale, distributing, or otherwise circulating or publicly exposing obscene images. Further, it is to be observed that the Danish legislation relating to the press contains special provisions on the subject of the persons who may be prosecuted for press offences. The latter provisions apply to the acts covered by Article 184 in so far as these acts can be considered as press offences. Application of Danish legislation on these points must await the revision of the Danish Penal Code, which is likely to be effected in the near future."—A. O.

Spain:

A. OLDENBURG.

Finland:

EMILIO DE PALACIOS.

France:

URHO TOIVOLA.

GASTON DESCHAMPS.

J. HENNEQUIN.

Greece:

N. POLITIS.

D. E. CASTORKIS.

Haiti:

M. BONAMY.

Honduras:

CARLOS GUTIERREZ (*ad referendum*).

Hungary:

DR. ZOLTÁN BARANYAI.

Italy:

CAVAZZONI STEFANO.

Japan:

In signing the International Convention for the Suppression of the Circulation of and Traffic in Obscene Publications, I, the undersigned, declare that my signature is not binding in respect of Taiwan, Chosen, the leased territory of Kwantung, Karafuto or the territories under Japanese mandate, and that the provisions of Article 15 of the present convention are not in any way derogatory to the acts of the Japanese judicial authorities in the application of Japanese laws and decrees. (Translation.)

Latvia:

Y. SUGIMURA.

Lithuania:

J. FELDMANS.

Luxemburg:

IG. JONYNAS.

Monaco:

CH. G. VERMAIRE.

Panamá:

R. ELLÈS-PRIVAT.

Netherlands:

R. A. AMADOR.

Persia:

A. DE GRAAF.

Poland:

PRINCE ARFA-ED-DOVLEH (*ad referendum*).

Free City of Danzig:

F. SOKAL.

Portugal:

J. MODZELEWSKI.

AUGUSTO DE VASCONCELLOS.

Roumania: N. P. COMNÈNE.
Salvador: J. GUSTAVO GUERRERO.
Kingdom of the Serbs, Croats and Slovenes:
M. JOVANOVITCH.
Siam:

The Siamese Government reserve full right to enforce the provisions of the present convention against foreigners in Siam in accordance with the principles prevailing for applying Siamese legislation to such foreigners.

DAMRAS.
Switzerland: E. BÉGUIN.
Czechoslovakia: DR. ROBERT FLIEDER.
Turkey: RUCHDY.
Uruguay: B. FERNANDEZ Y MEDINA.

PROVISIONAL COMMERCIAL AGREEMENT BETWEEN THE UNITED STATES OF
AMERICA AND LATVIA¹

*Signed February 1, 1926; ratification by Latvian Saeima
notified April 30, 1926*

The undersigned,

Mr. F. W. B. Coleman, Envoy Extraordinary and Minister Plenipotentiary
of the United States of America to Latvia, and

Mr. K. Ulmanis, Prime Minister of Latvia, desiring to confirm and make a
record of the understanding which they have reached through recent con-
versations on behalf of their respective governments with reference to the
treatment which the United States shall accord to the commerce of Latvia
and which Latvia shall accord to the commerce of the United States, have
signed this provisional agreement:

§ 1

It is understood that in respect of import and export duties and all other
duties and all other charges affecting commerce, as well as in respect to tran-
sit, warehousing and other facilities and the treatment of commercial trav-
ellers' samples, the United States will accord to Latvia, and Latvia will ac-
cord to the United States, its territories and possessions, unconditional most
favored nation treatment, and that in the matter of licensing or prohibitions
of imports or exports each country so far as it at any time maintains such a
system will accord to the commerce of the other treatment as favorable with
respect to commodities, valuations and quantities as may be accorded to
the commerce of any other country.

§ 2

It is understood that no higher or other duties shall be imposed on the
importation into or disposition in the United States, its territories or pos-

¹ U. S. Treaty Series, No. 740.

sessions, of any articles the produce or manufacture of Latvia than are or shall be payable on like articles the produce or manufacture of any foreign country.

§ 3

It is understood that no higher or other duties shall be imposed on the importation into or disposition in Latvia of any articles the produce or manufacture of the United States, its territories or possessions, than are or shall be payable on like articles the produce or manufacture of any foreign country.

§ 4

It is understood that similarly no higher or other duties shall be imposed in the United States, its territories or possessions, or in Latvia, on the exportation of any article to the other or to any territory or possession of the other than are payable on the exportation of like articles to any foreign country.

§ 5

It is understood that every concession with respect to any duty, charge or regulation affecting commerce now accorded or that may hereafter be accorded by the United States or by Latvia by law, proclamation, decree, or commercial treaty or agreement, to the products of any third country will become immediately applicable without request and without compensation to the commerce of Latvia and of the United States and its territories and possessions, respectively.

§ 6

This understanding does not relate to:

A. The treatment which the United States accords or may hereafter accord to the commerce of Cuba or any of the territories or possessions of the United States, or the Panama Canal Zone, or to the treatment which is or may hereafter be accorded to the commerce of the United States with any of its territories or possessions, or to the commerce of its territories or possessions with one another.

B. The treatment which Latvia has accorded or may accord to the commerce of Esthonia, Finland, Lithuania or Russia so long as any advantages arising from such treatment are not accorded by Latvia to the commerce of states other than Esthonia, Finland, Lithuania and Russia.

C. Prohibitions or restrictions of a sanitary character or designed to protect human, animal or plant life, or regulations for the enforcement of police or revenue laws.

§ 7

It is further understood that the present arrangement shall become operative on the day when the ratification of the present agreement by the Latvian

Saeima will be notified to the Government of the United States, and unless sooner terminated by mutual agreement, shall continue in force until thirty days after notice of its termination shall have been given by either government; but should either government be prevented by future action of its legislature from carrying out the terms of this arrangement the obligations thereof shall thereupon lapse.

Signed at Riga, this first day of February nineteen hundred and twenty-six.

[SEAL] F. W. B. COLEMAN

[SEAL] K. ULMANIS

AGREEMENT BETWEEN LITHUANIA AND THE UNITED STATES ACCORDING MOST-FAVORED-NATION TREATMENT IN CUSTOMS MATTERS¹

Exchange of notes between Frank B. Kellogg, Secretary of State, and K. Bizauskas, Minister of Lithuania, December 23, 1925; ratification by the Lithuanian Seimas notified July 10, 1926

These conversations have disclosed a mutual understanding between the two governments which is that, in respect of import and export duties and other duties and charges affecting commerce, as well as in respect of transit, warehousing and other facilities, and the treatment of commercial travelers' samples, the United States will accord to Lithuania, and Lithuania will accord to the United States, its territories and possessions, unconditional most-favored-nation treatment; and that in the matter of licensing or prohibitions of imports and exports, each country, so far as it at any time maintains such a system, will accord to the commerce of the other treatment as favorable, with respect to commodities, valuations and quantities, as may be accorded to the commerce of any other country.

It is understood that

No higher or other duties shall be imposed on the importation into or disposition in the United States, its territories or possessions, of any articles the produce or manufacture of Lithuania than are or shall be payable on like articles the produce or manufacture of any foreign country;

No higher or other duties shall be imposed on the importation into or disposition in Lithuania of any articles the produce or manufacture of the United States, its territories or possessions, than are or shall be payable on like articles the produce or manufacture of any foreign country;

Similarly, no higher or other duties shall be imposed in the United States, its territories or possessions, or in Lithuania, on the exportation of any articles to the other or to any territory or possession of the other, than are payable on the exportation of like articles to any foreign country;

Every concession with respect to any duty, charge or regulation affecting commerce now accorded or that may hereafter be accorded by the United

¹ U. S. Treaty Series, No. 742.

States or by Lithuania, by law, proclamation, decree or commercial treaty or agreement, to the products of any third country will become immediately applicable without request and without compensation to the commerce of Lithuania and of the United States and its territories and possessions, respectively;

Provided that this understanding does not relate to

(1) The treatment which the United States accords or may hereafter accord to the commerce of Cuba or any of the territories or possessions of the United States or the Panama Canal Zone, or to the treatment which is or may hereafter be accorded to the commerce of the United States with any of its territories or possessions or to the commerce of its territories or possessions with one another.

(2) The treatment which Lithuania accords or may hereafter accord to the commerce of Finland, Esthonia, Latvia and/or Russia, so long as such special treatment is not accorded to any other State.

(3) Prohibitions or restrictions of a sanitary character or designed to protect human, animal or plant life or regulations for the enforcement of police or revenue laws.

The present arrangement shall become operative on the day when the ratification thereof by the Lithuanian Seimas shall be notified to the Government of the United States, and, unless sooner terminated by mutual agreement, shall continue in force until thirty days after notice of its termination shall have been given by either party; but should either party be prevented by future action of its legislature from carrying out the terms of this arrangement, the obligations thereof shall thereupon lapse.

SUPPLEMENTARY EXTRADITION CONVENTION BETWEEN THE
UNITED STATES AND MEXICO¹

*Signed at Washington, December 23, 1925;
ratifications exchanged, June 30, 1926*

The United States of America and the United States of Mexico being desirous of enlarging the list of crimes on account of which extradition may be granted under the conventions concluded between the two countries on February 22, 1899, and June 25, 1902, with a view to the better administration of justice and the prevention of crime in their respective territories and jurisdictions, have resolved to conclude a supplementary convention for this purpose and have appointed as their plenipotentiaries, to wit:

The President of the United States of America:

Frank B. Kellogg, Secretary of State of the United States of America, and

The President of the United States of Mexico:

¹ U. S. Treaty Series, No. 741.

His Excellency Señor Don Manuel C. Téllez, Ambassador Extraordinary and Plenipotentiary of the United States of Mexico at Washington:

Who, after having exhibited to each other their respective full powers, which were found to be in due and proper form, have agreed to and concluded the following articles:

ARTICLE I

The high contracting parties agree that the following crimes are added to the list of crimes numbered 1 to 21 in the second article of the treaty of extradition of the 22nd of February, 1899, and the crime designated in the supplementary extradition treaty, concluded between the United States and Mexico on the 25th of June, 1902; that is to say:

22. Crimes and offenses against the laws for the suppression of the traffic in and use of narcotic drugs.

23. Crimes and offenses against the laws relating to the illicit manufacture of or traffic in substances injurious to health, or poisonous chemicals.

24. Smuggling. Defined to be the act of wilfully and knowingly violating the customs laws with intent to defraud the revenue by international traffic in merchandise subject to duty.

ARTICLE II

The present convention shall be considered as an integral part of the said extradition treaty of the 22nd of February, 1899, and it is agreed that the crime of bribery added to said original treaty by the supplemental extradition convention of the 25th of June, 1902, shall be numbered twenty-one (21); that the paragraph or crime numbered 21 in Article II of the original treaty and relating to "Attempts" shall now be numbered 25 and be applicable under appropriate circumstances to all the crimes and offenses now numbered 1 to 24 inclusive.

ARTICLE III

The present convention shall be ratified and the ratifications shall be exchanged either at Washington or at Mexico City as soon as possible.

It shall go into force ten days after its publication in conformity with the laws of the high contracting parties, and it shall continue and terminate in the same manner as the said convention of February 22, 1899.

In testimony whereof the respective plenipotentiaries have signed the present convention in duplicate, and have hereunto affixed their seals.

Done in duplicate at the City of Washington, in the English and Spanish languages, this twenty-third day of December, one thousand nine hundred and twenty-five.

FRANK B. KELLOGG [SEAL]

MANUEL C. TÉLLEZ [SEAL]

PROTOCOL ON ARBITRATION CLAUSES IN COMMERCIAL MATTERS ¹

*Signed at Geneva, September 24, 1923; registered by the
Secretariat of the League of Nations, July 28, 1924, following
its entry into force.²*

The undersigned, being duly authorized, declare that they accept, on behalf of the countries which they represent, the following provisions:

(1) Each of the contracting states recognizes the validity of an agreement whether relating to existing or future differences between parties subject respectively to the jurisdiction of different contracting states by which the parties to a contract agree to submit to arbitration all or any differences that may arise in connection with such contract relating to commercial matters or to any other matter capable of settlement by arbitration, whether or not the arbitration is to take place in a country to whose jurisdiction none of the parties is subject.

Each contracting state reserves the right to limit the obligation mentioned above to contracts which are considered as commercial under its national law. Any contracting state which avails itself of this right will notify the Secretary-General of the League of Nations, in order that the other contracting states may be so informed.

(2) The arbitral procedure, including the constitution of the arbitral tribunal, shall be governed by the will of the parties and by the law of the country in whose territory the arbitration takes place.

The contracting states agree to facilitate all steps in the procedure which require to be taken in their own territories, in accordance with the provisions of their law governing arbitral procedure applicable to existing differences.

(3) Each contracting state undertakes to ensure the execution by its authorities and in accordance with the provisions of its national laws of arbitral awards made in its own territory under the preceding articles.

(4) The tribunals of the contracting parties, on being seized of a dispute regarding a contract made between persons to whom Article 1 applies and including an arbitration agreement whether referring to present or future

¹ League of Nations Treaty Series, No. 678 (Vol. XXVII, p. 158).

² *Deposit of ratifications*: Finland, July 10, 1924; Italy, July 28, 1924; Albania, Aug. 29, 1924; Belgium, Sept. 23, 1924; Great Britain and Northern Ireland, Sept. 27, 1924; Germany, Nov. 5, 1924; Roumania, Mar. 12, 1925; Denmark, April 6, 1925; The Netherlands and the Netherlands Indies, Surinam and Curaçao, Aug. 6, 1925; Greece, May 26, 1926; New Zealand, June 9, 1926; Spain, July 29, 1926.

Accessions: Southern Rhodesia, Dec. 18, 1924; Newfoundland, June 22, 1925; British Guiana, British Honduras, Jamaica, Leeward Islands, Grenada, Saint Lucia, Saint Vincent, Gambia, Gold Coast, Kenya, Zanzibar, Northern Rhodesia, Ceylon, Mauritius, Gibraltar, Malta, Falkland Islands, Iraq and Palestine, March 12, 1926; Tanganyika, June 17, 1926; St. Helena, July 29, 1926.

(League of Nations Treaty Series No. 678, Vol. XXVII, p. 158, Vol. XXXI, p. 260, Vol. XXXV, p. 315; League of Nations Official Journal, Nov. 1925, pp. 1575-1576, and May, 1926, p. 648. Annex to the Supplementary Report on the Work of the Council and the Secretariat to the Seventh Assembly of the League, A. (6)a. 1926. Annex.)

differences which is valid in virtue of the said article and capable of being carried into effect, shall refer the parties on the application of either of them to the decision of the arbitrators.

Such reference shall not prejudice the competence of the judicial tribunals in case the agreement or the arbitration cannot proceed or becomes inoperative.

(5) The present protocol, which shall remain open for signature by all states, shall be ratified. The ratifications shall be deposited as soon as possible with the Secretary-General of the League of Nations, who shall notify such deposit to all the signatory states.

(6) The present protocol will come into force as soon as two ratifications have been deposited. Thereafter it will take effect, in the case of each contracting state, one month after the notification by the Secretary-General of the deposit of its ratification.

(7) The present protocol may be denounced by any contracting state on giving one year's notice. Denunciation shall be effected by a notification addressed to the Secretary-General of the League, who will immediately transmit copies of such notification to all the other signatory states and inform them of the date on which it was received. The denunciation shall take effect one year after the date on which it was notified to the Secretary-General and shall operate only in respect of the notifying state.

(8) The contracting states may declare that their acceptance of the present protocol does not include any or all of the undermentioned territories: that is to say, their colonies, overseas possessions or territories, protectorates or the territories over which they exercise a mandate.

The said states may subsequently adhere separately on behalf of any territory thus excluded. The Secretary-General of the League of Nations shall be informed as soon as possible of such adhesions. He shall notify such adhesions to all signatory states. They will take effect one month after the notification by the Secretary-General to all signatory states.

The contracting states may also denounce the protocol separately on behalf of any of the territories referred to above. Article 7 applies to such denunciation.

A certified copy of the present protocol will be transmitted by the Secretary-General to all the contracting states.

Done at Geneva on the twenty-fourth day of September, one thousand nine hundred and twenty-three, in a single copy, of which the French and English texts are both authentic, and which will be kept in the archives of the Secretariat of the League.

In conformity with the second paragraph of Article 1, Belgium reserves the right to limit the obligation mentioned in the first paragraph of Article 1 to contracts which are considered as commercial under its national law.

PAUL HYMANS, *First Delegate of Belgium*
V. SIDZIKAUSKAS, *First Delegate of Lithuania*
A. MICHALAKOPOULOS, *Delegate of Greece*

(Subject to the reservation in Article 1.)

I declare that my signature applies only to Great Britain and Northern Ireland and consequently does not include any of the colonies, overseas possessions or protectorates under His Britannic Majesty's sovereignty or authority or any territory in respect of which His Majesty's Government exercises a mandate.

ROBERT CECIL, *First Delegate of the British Empire*

AFRANIO DE MELLO-FRANCO, *Delegate of Brazil*

JUAN J. AMEZAGA,

B. FERNÁNDEZ Y MEDINA } *Uruguay*

By virtue of paragraph 2 of Article 1 of the present convention, the French Government reserves the right to limit the obligation mentioned in the aforesaid article to contracts which are considered commercial under its national law.

In virtue of Article 8 of the present convention, the French Government declares that its acceptance of the present protocol does not include the colonies, overseas possessions or territories, or the protectorates or territories in respect of which France exercises a mandate. (Translation.)

G. HANOTAUX.

R. A. AMADOR, *Delegate of Panama*

GARBASSO (*for Italy*)

The Principality of Monaco reserves the right to limit its obligation to contracts which are considered as commercial under its national law. (Translation.)

R. ELLÈS-PRIVAT (*for the Principality of Monaco,*
March 29, 1924)

GOTTFRIED ASCHMANN (*for Germany*)

On behalf of the Royal Roumanian Government, I sign the present convention, subject to the reservation that the Royal Government may in all circumstances limit the obligation mentioned in Article 1, paragraph 2, to contracts which are considered as commercial under its national law. (Translation.)

N. P. COMNÈNE (*for Roumania*)

In virtue of Article 8 of the present protocol, the Japanese Government declares that its acceptance of the present protocol does not include its territories mentioned hereinafter: Chosen, Taiwan, Karafuto, the leased territory of Kwantung, and the territories in respect of which Japan exercises a mandate. (Translation.)

K. ISHII (*for Japan*)

By virtue of paragraph 2 of Article 1 of the present protocol the Government of His Majesty the King of Spain reserves the right to limit the obligation mentioned in the aforesaid article to contracts which are considered as commercial under its national law.

In virtue of Article 8 of the protocol the Government of His Majesty the King of Spain declares that its acceptance of the present protocol does not include the Spanish possessions in Africa and the territories of the Spanish protectorate in Morocco. (Translation.)

J. QUINONES DE LEON, *August 30, 1924*

The Government of the Netherlands reserves the right to restrict the obligation mentioned in the first paragraph of Article 1 to contracts which are considered as commercial under Netherlands law.

Further, it declares its opinion that the recognition in principle of the validity of arbitration clauses in no way affects either the restrictive provisions at present existing under Netherlands law or the right to introduce other restrictions in the future. (Translation.)

W. DOUDE VAN TROOSTWIJK, *Netherlands (for the Kingdom in Europe)*
HEIKKI RENVALL (*for Finland*)

On signing the protocol on arbitration clauses done at Geneva on September 24, 1923, I, the undersigned representative of the Danish Government, accredited to the Secretariat of the League of Nations, make the following declaration in respect of Article 3: "Under Danish law, arbitral awards made by an arbitral tribunal do not immediately become operative; it is necessary in each case, in order to make an award operative, to apply to the ordinary courts of law. In the course of the proceedings, however, the arbitral award will generally be accepted by such courts without further examination, as a basis for the final judgment in the affair."

Subject to ratification. (Translation.)

A. OLDENBURG (*for Denmark, Geneva, May 30, 1924*)

CHR. L. LANGE (*for Norway, August 5, 1924*)

MOTTA (*for the Swiss Confederation, September 10, 1924*;

By virtue of paragraph 2 of Article 1 of the present protocol the Latvian Government reserves the right to limit the obligation mentioned in the aforesaid article to contracts which are considered as commercial under its national law. (Translation.)

L. SEJA (*for Latvia, September 12, 1924*)

J. GUSTAVO GUERERRO (*for Salvador, September 13, 1924*)

ARMANDO QUEZADA A. E. VILLEGAS (*for Chile, September 16, 1924*)

Netherlands.

For the three territories, beyond the seas, Netherlands Indies, Surinam and Curaçao:

The Government of the Netherlands reserves its right to restrict the obligation mentioned in the first paragraph of Article 1 to contracts which are considered as commercial under Netherlands law.

Further, it declares its opinion "that the recognition in principle of the validity of arbitration clauses in no way affects either the restrictive provisions at present existing under Netherlands law or the right to introduce other restrictions in the future." (Translation.)

W. DOUDE VAN TROOSTWIJK. *September 20, 1924*

R. V. CABALLERO (*for Paraguay, Geneva, September 29, 1924*)

E. PFLÜGL (*for Austria, Geneva, November 24, 1924*)

The Siamese Government in signing this protocol does so under reservation that it thereby assumes no obligation to enforce the provisions of this convention in violation of existing or future treaty provisions granting to foreigners exemption from Siamese jurisdiction.

PHYA SANPAKITCH PREECHA, *19th May, 1925*

[League of Nations Treaty Series, Vol. XXXV, p. 315.]

On behalf of the Government of the Polish Republic I sign the present protocol subject to the reservation that in accordance with paragraph 2 of Article 1 the obliga-

tion contemplated in the said article will apply only to contracts which are declared to be commercial under national Polish law.

GAËTAN D. MORAWSKI, *Geneva, September 22, 1925.*

[League of Nations Treaty Series, Vol. XXXIX, p. 190.]

New Zealand, March 11, 1926.

[League of Nations Official Journal, May, 1926, p. 648.]

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